

THE CONSERVATION AND MANAGEMENT OF HIGHLY
MIGRATING FISH STOCKS IN THE WESTERN AND CENTRAL
PACIFIC OCEANS, AND OTHER INTERNATIONAL FISHERIES
AGREEMENTS OF U.S. INTEREST IN ASIA AND THE PACIFIC

HEARING
BEFORE THE
SUBCOMMITTEE ON ASIA, THE PACIFIC, AND
THE GLOBAL ENVIRONMENT
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED TENTH CONGRESS
FIRST SESSION

JULY 17, 2007

Serial No. 110-126

Printed for the use of the Committee on Foreign Affairs



Available via the World Wide Web: <http://www.foreignaffairs.house.gov/>

U.S. GOVERNMENT PRINTING OFFICE

36-823PDF

WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON FOREIGN AFFAIRS

TOM LANTOS, California, *Chairman*

HOWARD L. BERMAN, California	ILEANA ROS-LEHTINEN, Florida
GARY L. ACKERMAN, New York	CHRISTOPHER H. SMITH, New Jersey
ENI F.H. FALEOMAVAEGA, American Samoa	DAN BURTON, Indiana
DONALD M. PAYNE, New Jersey	ELTON GALLEGLY, California
BRAD SHERMAN, California	DANA ROHRABACHER, California
ROBERT WEXLER, Florida	DONALD A. MANZULLO, Illinois
ELIOT L. ENGEL, New York	EDWARD R. ROYCE, California
BILL DELAHUNT, Massachusetts	STEVE CHABOT, Ohio
GREGORY W. MEEKS, New York	THOMAS G. TANCREDI, Colorado
DIANE E. WATSON, California	RON PAUL, Texas
ADAM SMITH, Washington	JEFF FLAKE, Arizona
RUSS CARNAHAN, Missouri	JO ANN DAVIS, Virginia
JOHN S. TANNER, Tennessee	MIKE PENCE, Indiana
GENE GREEN, Texas	JOE WILSON, South Carolina
LYNN C. WOOLSEY, California	JOHN BOOZMAN, Arkansas
SHEILA JACKSON LEE, Texas	J. GRESHAM BARRETT, South Carolina
RUBEN HINOJOSA, Texas	CONNIE MACK, Florida
JOSEPH CROWLEY, New York	JEFF FORTENBERRY, Nebraska
DAVID WU, Oregon	MICHAEL T. McCAUL, Texas
BRAD MILLER, North Carolina	TED POE, Texas
LINDA T. SANCHEZ, California	BOB INGLIS, South Carolina
DAVID SCOTT, Georgia	LUIS G. FORTUÑO, Puerto Rico
JIM COSTA, California	GUS BILIRAKIS, Florida
ALBIO SIRES, New Jersey	
GABRIELLE GIFFORDS, Arizona	
RON KLEIN, Florida	

ROBERT R. KING, *Staff Director*

YLEEM POBLETE, *Republican Staff Director*

SUBCOMMITTEE ON ASIA, THE PACIFIC, AND THE GLOBAL ENVIRONMENT

ENI F. H. FALEOMAVAEGA, American Samoa, *Chairman*

ADAM SMITH, Washington	DONALD A. MANZULLO, Illinois
GARY L. ACKERMAN, New York	DAN BURTON, Indiana
GREGORY W. MEEKS, New York	DANA ROHRABACHER, California
DIANE E. WATSON, California	EDWARD R. ROYCE, California
RUBEN HINOJOSA, Texas	STEVE CHABOT, Ohio
ALBIO SIRES, New Jersey	JEFF FLAKE, Arizona

LISA WILLIAMS, *Subcommittee Staff Director*

DAVID RICHMOND, *Subcommittee Professional Staff Member*

NIEN SU, *Republican Professional Staff Member*

VILI LEI, *Staff Associate*

CONTENTS

	Page
WITNESSES	
The Honorable David A. Balton, Deputy Assistant Secretary for Oceans and Fisheries, U.S. Department of State	7
Mr. John Connelly, President, National Fisheries Institute	21
Mr. David G. Burney, Past President, U.S. Tuna Foundation	25
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Eni F.H. Faleomavaega, a Representative in Congress from American Samoa, and Chairman, Subcommittee on Asia, the Pacific, and the Global Environment: Prepared statement	3
The Honorable Donald A. Manzullo, a Representative in Congress from the State of Illinois: Prepared statement	6
The Honorable David A. Balton: Prepared statement	9
Mr. John Connelly: Prepared statement	22
Mr. David G. Burney: Prepared statement	29
APPENDIX	
Mr. Sean Martin, Chair, Western Pacific Regional Fishery Management Council: Statement submitted for the record	43

**THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATING FISH STOCKS IN THE
WESTERN AND CENTRAL PACIFIC OCEANS,
AND OTHER INTERNATIONAL FISHERIES
AGREEMENTS OF U.S. INTEREST IN ASIA
AND THE PACIFIC**

TUESDAY, JULY 17, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA, THE PACIFIC,
AND THE GLOBAL ENVIRONMENT,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:07 p.m. in room 2172, Rayburn House Office Building, Hon. Eni F. Faleomavaega (chairman of the subcommittee) presiding.

Mr. FALEOMAVAEGA. This hearing is a hearing of the House Foreign Affairs, Subcommittee on Asia, the Pacific, and the Global Environment, which also includes oversight jurisdiction in Central Asia, and all international fisheries agreements. How does that sound to you, Mr. Burney?

But I do want to say for the record and wanted to welcome our distinguished witnesses this afternoon, and I do have an opening statement I want to submit for the record, and also to share with our colleagues at our hearing this afternoon.

Before proceeding with my opening statement, I do have a statement that has been submitted by Mr. Sean Martin, who is the chair of the Western Pacific Regional Fishery Management Council, and without objection his statement will be made part of the record, and if there are any other additional statements and others who may want to submit them for the record, we will do so.

The Western and Central Pacific Fishery Convention, and for want of a better name, the official name of the Convention is called the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Now, that is a mouthful.

Anyway, the Convention is a legal agreement which establishes cooperative mechanisms necessary for the long-term conservation and use of highly migratory fish stocks which includes tuna. Currently, there are 25 commission members, including Taiwan, and two additional cooperating non-members, the United States and Indonesia. The United States will officially become a member of the commission on July 27, this year, in other words, in the coming

days, and the territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands will also be authorized to participate in this commission.

One of the main issues of the Convention is the conflicts between the rights and concerns of coastal nations versus those of distant water fishing nations harvesting resources in the Convention area. Because the United States is both a distant water fishing nation and a coastal nation due to the location of the United States insular areas or territories, namely, American Samoa, Guam, the Northern Mariana Islands, the United States has a dual interest in this Convention or this treaty.

I also have an interest, not only in my capacity as chairman of the Subcommittee on the Asia, the Pacific, and the Global Environment, but secondly, I happen to represent the territory of American Samoa, which I understand has the two largest facilities in processing canned tuna in the United States, or in the world, for that matter. We used to be the number one in the world, but no longer. China now is the largest tuna canning producing nation in the world.

I might also note that more than 80 percent of my district's private sector economy is quite dependent directly or indirectly on the presence of our two U.S. tuna canneries, Chicken of the Sea and Starkist, which is an affiliate of Del Monte Foods Corporation.

I support the inclusion of the U.S. territories as part of the Convention, and I am also pleased that the Congress supported our efforts to provide for the U.S. insular areas in the Magnuson-Stevens Reauthorization Act. Having just returned from Thailand and Indonesia where I met with the ministries of fisheries in both countries, I have serious concerns about the future of our fishery stocks. I believe the leaders of the Asian Pacific Region share my concerns, especially when it comes to overfishing of yellow fin in the Western Pacific and the European Union formalizing fishing deals or agreements with Micronesia, the subject of which I hope to pursue later on as part of the work of the subcommittee.

For now, to prevent overfishing, among other objectives, the Convention seeks to limit fishing vessel capacity. But what about ships that are re-flagged or re-imaged to different countries or deployed in different regions?

According to the Congressional Research Service, the reductions of fishing capacities in some countries have been achieved by relocating vessels to other countries or to high seas fisheries, a trend that I do have some concerns, which leads me to question the effectiveness of the Convention, particularly when it comes to issuance of compliance.

What safety valves are in place to ensure compliance of overfishing? What measures are in place to address the impact on other marine resources?

For example, non-target fish are tossed away, or what we call miscellaneous fish, are wasted rather than retained to feed, certainly good for human consumption. Seabirds and sea turtles are also at risk.

My own district's future has been built in the past 50 years a relationship with the global tuna industry, and I do hope that Congress and the international community will come together to ad-

dress serious problems which are leading to the decline in tuna catches. Low supplies result in less tuna in international trade, and this dramatically impacts the future of many of our workers which number just 40,000 workers.

I do want to enter for the record a couple of statistics that I think it is important, why it does have a national interest in my own country's interests when it comes to these two major areas of fisheries as well as in aquaculture. It's my understanding that current world aquaculture production is approximately at \$70 billion and it continues to grow, and the world's total aquaculture production, China, is reported to account for nearly 70 percent of the quantity, and over half the global value of aquaculture production. The ten top aquaculture producing countries for food fish are China, India, Vietnam, Thailand, Indonesia, Bangladesh, Japan, Chile, Norway, and the United States.

Of also interest is that the worldwide demand for seafood and aquaculture products is continuing to increase. The U.S. remains one of the top markets for both wild caught seafood and aquaculture products. In fact, currently the United States is the third largest consumer of seafood in the world, with 81 percent of the seafood consumed in the United States being imported and 40 percent of these imports come from aquaculture development. I want to note that even though it doesn't have to do with deep water fishing that we are discussing here.

I would note also the U.S. imports of seafood products last year totaled \$13.4 billion. That is an increase of \$1.3 billion 2 years ago, and interesting too the United States imports last year accounts for 57 percent of seafood imports came from Asia, and North American accounts for 19 percent seafood imports, South America, 14 percent. China accounts for 21 percent among the countries that imports seafood products to the United States.

I want to note for the record and why I believe this is an area that I think our country needs to do a little more on why we will have to import some \$14 billion worth of fish, what does this tell us? We are not producing enough of it domestically. If aquaculture development could be one of the most important industries that we could have maybe in the State of Illinois, I don't know.

I do want to say this, and am happy to have in our presence also my distinguished ranking member of our subcommittee, the gentleman from Illinois, for his opening statement. Mr. Manzullo.

[The prepared statement of Mr. Faleomavaega follows:]

PREPARED STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA, A REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA, AND CHAIRMAN, SUBCOMMITTEE ON ASIA, THE PACIFIC, AND THE GLOBAL ENVIRONMENT

The Western and Central Pacific Fishery (WCPF) Convention is a legal agreement which establishes cooperative mechanisms necessary for the long-term conservation and use of highly migratory fish stocks including tuna. Currently, there are 25 Commission members including Taiwan, and two additional cooperating nonmembers, the US and Indonesia. The United States will officially become a Member of the Commission on July 27, 2007, and American Samoa, Guam, and the Northern Mariana Islands will be authorized to participate.

One of the main issues of the Convention is the conflict between the rights and concerns of coastal nations versus those of distant-water fishing nations harvesting resources in the Convention area. Because the US is both a distant-water fishing nation and a coastal nation due to the location of American Samoa, Guam, and the Northern Marianas, the US has a dual interest in the Convention.

I also have a dual interest—one, as Chairman of the Subcommittee on Asia, the Pacific, and the Global Environment and, two, given that I represent the US Territory of American Samoa, which is almost entirely dependent on the US tuna fishing and processing industries. More than 80% of American Samoa's private sector economy is dependent either directly or indirectly on two US tuna canneries, Chicken of the Sea and StarKist, which employ more than 74% of the workforce.

For this reason, I support the inclusion of the US territories as party to the Convention, and I am also pleased that Congress supported our efforts by providing for the US Insular areas in the Magnuson-Stevens Reauthorization Act. Having just returned from Thailand and Indonesia where I met with the Ministers of Fisheries in both countries, I have serious concern about the future of our fishing stocks. I believe the leaders of the Asia Pacific region share my concerns, especially when it comes to overfishing of yellowfin in the Western Pacific Ocean, and the European Union formalizing a fishing deal with Micronesia, a subject I intend to look at closer.

For now, to prevent overfishing, among other objectives, the Convention seeks to limit fishing vessel capacity. But what about ships that are reflagged in different countries or deployed in different regions? According to CRS, "reductions of fishing capacity in some countries have been achieved by relocating vessels to other countries or to high seas fisheries," a trend I do not support and which leads me to question the effectiveness of the Convention particularly when it comes to issues of compliance.

What safety valves are in place to ensure compliance of overfishing and what measures are in place to address the impact on other marine resources. For example, non-target fish are tossed away and wasted rather than retained to feed a hungry world. Sea birds and sea turtles are also at risk.

For the sake of American Samoa's future which has built its past on a 50 year relationship with the global tuna industry, I am hopeful that the US Congress and the international community will come together to address the serious problems which are leading to a decline in tuna catches. Low supplies result in less tuna in international trade and this dramatically impacts the future of more than 5,000 cannery workers in my Territory.

For this and other reasons, I welcome today's witnesses and look forward to their comments about recent developments regarding the Western and Central Pacific Oceans Convention and the inclusion of US insular areas; efforts underway to address capacity, compliance of rules, and the impact of fisheries on other marine resources; and other international fisheries agreements of US interest in Asia and the Pacific.

Today, we will hear from Ambassador David Balton, Deputy Assistant Secretary for Oceans and Fisheries of the US State Department and a lead negotiator of the Convention. Ambassador Balton previously served for 6 years as Director of the Office of Marine Conservation in the Department of State. In that capacity, he was responsible for coordinating the development of U.S. foreign policy concerning living marine resources and overseeing U.S. participation in international organizations dealing with the conservation and management of these resources.

Ambassador Balton also worked for 12 years in the Office of the Legal Adviser in the Department of State. His international law practice covered such areas as the law of the sea, human rights and international claims. Ambassador Balton negotiated numerous treaties and other international agreements on fisheries, marine mammals and other matters pertaining to the marine environment. Ambassador Balton received his A.B. from Harvard College in 1981 and his J.D. from Georgetown University Law Center in 1985.

John Connelly became the President of the National Fisheries Institute in March 2003. NFI is the nation's leading trade association advocating for the fish and seafood business. Prior to his service as the President of the NFI, Mr. Connelly served as Chairman of International Coalition of Fisheries Associations and is a founding member of the International Coalition of Aquaculture Associations. In 2007, he was named to the Marine Stewardship Council Board of Trustees, a non-governmental group recognized as the leader in fisheries certification.

David G. Burney has over 30 years of successful involvement in various aspects of the U.S. tuna industry. Mr. Burney served as General Counsel for the American Tunaboat Association (1972–75). In 1976, he joined the U.S. Tuna Foundation (USTF), a trade association consisting of all of the branded U.S. canned tuna manufacturers and all of the distant water U.S. tuna purse seine fleet. He remained as executive director of USTF until he retired in June of 2006. He currently serves as the CEO and President of South Pacific Tuna Corporation, a U.S. purse seine management company. He also currently serves as Managing Director of Ocean Global Inc. and Sea Global Inc., the owners of twelve U.S. purse seine vessels.

Over the past 30 years, Mr. Burney has represented the interests of the U.S. tuna industry before the U.S. Congress and before various agencies of the U.S. government. In addition, he has represented the industry in international fishery matters both as an advisor to the U.S. government and separately on behalf of industry interests. He has worked extensively with the U.S. Department of State and the U.S. Department of Commerce on issues relating to the conservation and management of highly migratory tuna stocks.

Again, I welcome our witnesses and look forward to their comments. We will also receive written testimony from the Western Pacific Fisheries Council which will be made part of the record.

Mr. MANZULLO. Thank you, Chairman.

Were you aware of the fact that I am a cattle producer?

Mr. FALEOMAVAEGA. Fish and cattle go right along.

Mr. MANZULLO. Absolutely. Absolutely.

Mr. FALEOMAVAEGA. Okay.

Mr. MANZULLO. I want to thank you for calling this extremely important hearing regarding the conservation of highly migratory fish in the Western and Central Pacific.

Chairman, very few members know much about this topic, including myself. Obviously coming from the Midwest, we are simply not privy to what is going on in the fishing industry, but since you are taking over this subcommittee, in the conversations that we have had on fish in our office, your fish are my corn and cattle.

Mr. FALEOMAVAEGA. Would the gentleman yield?

Mr. MANZULLO. Of course.

Mr. FALEOMAVAEGA. I will assure my good friend from Illinois that we definitely will plan on having a hearing, making sure that the great State of Illinois will have sufficient exports that will be given to the Asian and Pacific region: Cattle, wheat, whatever.

Mr. MANZULLO. I appreciate that.

Mr. FALEOMAVAEGA. You can be sure, and I thank the gentleman for yielding.

Mr. MANZULLO. What really concerns me is the fact that, because so few people are directly impacted, this lack of information is just astounding. My big concern, of course, is the fact that with the depletion, mismanagement of fish stocks gives rise to a tremendous reliance upon Chinese fish, and now we have a genuine, bona fide health and safety hazard that is coming from that country.

I believe an application of this Convention for the Western and Central Pacific Fishery Convention has put American firms at a disadvantage by giving foreign firms unfair advantage. This does nothing to conserve the fish stocks. They fish unabated. That is called eating the seed when you talk in terms of corn, wheat and beans. The American fishing fleet must be able to compete and operate on a level field with foreign operations. As with manufacturing, the foreign competition is a serious issue that affects our hard-working American people.

I look forward to the testimony and obviously I am greatly interested in whatever we can do to restore American fishery to where it should be.

[The prepared statement of Mr. Manzullo follows:]

COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON ASIA, THE PACIFIC, AND THE GLOBAL ENVIRONMENT
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

Donald A. Manzullo (IL-16), Ranking Member
Opening Statement

July 17, 2007

Mr. Chairman, thank you for calling this important hearing regarding the conservation of highly migratory fish in the Western and Central Pacific. I know this issue is one that affects your constituents directly. Conservation of our precious natural resources is an issue that is important to us all. Illegal fishing and incidental by-catch of non-target species are some of the concerns that I have. Just as important, however, is the equal application of the Western and Central Pacific Fishery Convention governing these fisheries. Uneven application of Convention regulations puts American firms at a disadvantage by giving foreign firms an unfair advantage. It also does nothing to conserve fish stocks if it continues unabated. The American fishing fleet must be able to compete and operate on a level field with foreign operators. As with manufacturing, foreign competition is a serious issue that affects the hardworking American people.

I look forward to hearing your testimony.

Mr. FALCOMA. I thank the gentleman for his eloquent statement.

I might even note that I was curious to find out that we have catfish farming, I don't know if they have it in Illinois, but I know they do have it in Arkansas, you know it is a \$600 million fish industry that we have in the United States doing catfish farming. Maybe this is something that can be done in Illinois.

Mr. MANZULLO. Yes, that is that Omega 3 that makes us slim. [Laughter.]

Mr. FALCOMA. Thank you.

I want to welcome today to our first witness this afternoon, Ambassador David Balton, now currently Deputy Assistant Secretary for Oceans and Fisheries of the Department of State, and the lead negotiator on the Convention. Ambassador Balton previously served for 6 years as Director of the Office of Marine Conservation in the Department of State. In that capacity, he was responsible for coordinating and development of U.S. foreign policy concerning living marine resources and overseeing U.S. participation in international organizations dealing with the conservation and management of fisheries resources.

Ambassador Balton also worked for 12 years in the Office of the Legal Advisor in the Department of State, and his international law practice covered such areas as the law of the sea, human rights and international claims. Ambassador Balton negotiated numerous treaties and other international agreements on fisheries, marine mammals and other matters pertaining to the marine environment.

Ambassador Balton received his undergraduate degree from Harvard College in 1981, and his law degree from Georgetown University.

Ambassador Balton, welcome. You may proceed.

STATEMENT OF THE HONORABLE DAVID A. BALTON, DEPUTY ASSISTANT SECRETARY FOR OCEANS AND FISHERIES, U.S. DEPARTMENT OF STATE

Ambassador BALTON. Mr. Chairman, Congressman Manzullo, I appreciate the opportunity to testify before you today on recent developments regarding fisheries in the Pacific Ocean. I have a written statement and would ask that it be included in the record.

Mr. FALCONER. Without objection.

Ambassador BALTON. This afternoon, I would like to highlight just a few critical points. As you noted, Mr. Chairman, the United States is just about to take our rightful seat as a member of the Western and Central Pacific Fisheries Commission, the international body that regulates fishing for tuna and other highly migratory fish in that region.

Our Nation can claim considerable credit for creating this organization. Following years of arduous negotiations, we secured a treaty that gives this body a modern charter for international fisheries management. Following congressional approval, we deposited an instrument of ratification for this treaty in late June, and as you noted, we will be a party in 10 days time.

Our Nation has vital interests in the success of this institution. The tuna fisheries in this region are the largest and most valuable in the world. We are, as you note, a major fishing nation for these stocks, and as you note, we are the nation with the largest exclusive economic zone in the area, by which I mean the waters under U.S. fisheries' jurisdiction around Hawaii, American Samoa, Guam, the Northern Mariana Islands and certain other U.S. insular areas.

U.S. fishers, processors, canners, importers, conservation organizations, consumers—we all have a lot at stake here, not to mention all the Americans who reside in the area. We are joining the WCPFC at a pivotal time. Worldwide, roughly half of major ocean fish stocks are being harvested at or near maximum sustainable levels. One-quarter are overexploited and one-quarter are moderately or underexploited. Population growth continues to increase the demand for fish while fishing technology continues to enhance harvesting capacity. Fish are the main protein source for 1 billion people worldwide, primarily in developing countries, and provide 5–10 percent of the world's food supply. So failure to achieve sustainable fisheries threatens world food security.

The fisheries for tuna and other highly migratory stocks in the Pacific Ocean are in better shape than most, but they are not immune from trouble. I would like to outline three basic challenges that confront world fisheries in general and the Pacific Region in particular.

First, the world's fishing fleet suffers from excess capacity, which too often leads to overfishing.

Second, there is too much fishing in violation of applicable rules, the lack of compliance to which you referred, Mr. Chairman. Although we have coined a term for this, illegal, unreported and un-

regulated fishing, so called IUU fishing, we haven't solved the problem of such fishing.

Third, we need to do more to minimize the adverse environmental effects of certain fishing practices. These effects include excessive catch of other animals in the course of fishing operations as well as damage to vulnerable marine ecosystems.

I am happy to report that the WCPFC and similar international bodies have begun to tackle these problems. Allow me to give you just a few examples.

In 2005, even though we were not yet a member, the WCPFC took our advice and committed to reduce overcapacity in the region's tuna fisheries. This is a start, but the hard work of translating this commitment into actual capacity reduction lies ahead.

At the World Trade Organization, the United States also recently proposed strict limits on subsidies that governments may provide to their fisheries' sectors, but much remains to be done.

The WCPFC and similar bodies have begun to use a variety of tools to improve compliance with agreed fisheries rules and thus cut down on IUU fishing. These tools include mandatory use of satellite monitoring systems, on-board observer programs, transshipment monitoring, port controls, schemes to track international trade, high seas boarding and inspection, positive and negative vessel lists, to name a few.

I am proud to say that the United States has led efforts to bring international fisheries under greater control through the use of these tools, but much remains to be done.

Finally, the WCPFC and other such bodies have begun to address the broader environmental impacts of certain fishing operations. We have secured commitments to reduce the bycatch of sea turtles, seabirds, sharks, billfish, and tuna fisheries, for example. The WCPFC, despite its relative infancy, has actually done more than some of the other bodies in this respect. We applaud the Commission for taking these steps, but much more remains to be done.

Mr. Chairman, it is not easy to manage fisheries well. Even for fisheries that occur solely within the waters of a single developed nation such as ours, the struggle to achieve sustainability is a real one. Imagine then how much more of a challenge it is to manage fisheries for stocks such as tuna in the Pacific that pass through the waters of a score of individual nations and across vast areas of the high seas. But we must meet this challenge.

In the Pacific Region, the economies of Hawaii, and the U.S. insular areas depend greatly on these fishery resources. The same is true for our international partners in the region, particularly the developing nations.

Mr. Chairman, please allow me to spend just a moment on two related developments which I think you will find of interest.

First, since 1988, the United States tuna fleet in the South Pacific has operated in accordance with another agreement, this one between the United States and 16 Pacific Island nations, the so-called South Pacific Tuna Treaty. The treaty generates considerable economic benefit. Tuna harvested by U.S. vessels has a landed value of approximately \$100 million annually, but the total contribution of these fish to the U.S. economy may be two to three times that amount.

Moreover, as you have noted, the tuna caught by these U.S. vessels supply canneries in American Samoa that, together with associated services, provide more than 80 percent of the private sector employment there. Under a related economic assistance agreement, the United States provides \$18 million annually to the Pacific Island parties. The treaty and this related agreement today serve as the foundation for a strong and mutually beneficial relationship.

Lastly, there is at present no multilateral mechanism for managing fisheries for the non-highly migratory species in the South Pacific region. Since 2005, however, the United States has participated actively in negotiations to establish one. At the most recent round of negotiations we secured agreement on a set of interim measures that will apply to these fisheries, pending completion of the negotiating process.

These include: Fulfillment of a United States brokered commitment relating to bottom fishing made by all governments at the United Nations last year. Negotiations on the long-term regime will continue on the fall. To that end, we are engaging with a wide range of U.S. stakeholders to determine how best to advance U.S. interests in that initiative.

Thank you, Mr. Chairman, for this opportunity to discuss these issues. I would be happy to try to answer any questions you may have.

[The prepared statement of Mr. Balton follows:]

PREPARED STATEMENT OF THE HONORABLE DAVID A. BALTON, DEPUTY ASSISTANT
SECRETARY FOR OCEANS AND FISHERIES, U.S. DEPARTMENT OF STATE

Mr. Chairman and Members of the Sub-Committee:

I appreciate the opportunity to testify today on recent developments regarding:

- The Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, with Annexes (WCPFC Convention) and the inclusion of U.S. insular areas;
- Efforts underway to address fishing capacity, compliance with adopted rules, and the impact of fisheries on other marine resources; and
- Other international fisheries agreements of U.S. interest in Asia and the Pacific.

THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

The United States strongly supports the WCPFC Convention. Our nation was an active participant in its negotiation and has participated actively in its work over the last thirteen years. The WCPFC Convention was adopted on September 5, 2000, in Honolulu. The United States signed the Convention on that date. The Convention entered into force on June 19, 2004, and now boasts 30 parties. In addition, Taiwan has signed an instrument declaring its firm commitment to abide by the terms of the WCPFC Convention.

The U.S. Senate provided its advice and consent to ratification of the WCPFC in November 2005. New legislation was needed to implement U.S. obligations under the Convention. The Senate and House of Representatives approved such implementing legislation in December 2006 as part of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. On January 12, 2007 the President signed this bill into law. The United States completed the process to become a member of the WCPFC Convention on June 27, 2007 by depositing the U.S. instrument of ratification with the Government of New Zealand, which acts as the Depositary for the Convention. The United States will officially become a Contracting Party to the Convention and a member of the Commission on July 27, 2007. The U.S. submission to the Depositary also included a Declaration authorizing the participation of American Samoa, Guam and the Northern Mariana Islands in the work of the Commission as Participating Territories, in accordance with Article 43 of the Convention and the agreed rules of procedure for the participation of territories.

The WCPF Convention establishes a brand new international fisheries organization to conserve and manage tunas and other highly migratory fish stocks across a vast range of the Pacific Ocean. The area covered by the Commission includes the U.S. Exclusive Economic Zones around Hawaii, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and other U.S. Pacific Islands. The WCPF Convention builds upon the 1982 United Nations Convention on the Law of the Sea (the LOS Convention) and the 1995 United Nations Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Fish Stocks Agreement). The WCPF Convention gives effect to the provisions of the LOS Convention and Fish Stocks Agreement that recognize as essential, and require, cooperation to conserve highly migratory fish stocks through regional fisheries management organizations, by those with direct interests in them—coastal States with authority to manage fishing in waters under their jurisdiction and those nations whose vessels fish for these stocks.

The United States has direct and vital interests in the effective implementation of the WCPF Convention. The United States is a major distant water fishing nation in the region. At the same time, the United States is the coastal State with the largest EEZ in the Convention Area (including the waters around Hawaii, American Samoa, Guam, the Northern Mariana Islands and other unincorporated islands under U.S. jurisdiction). Accordingly, U.S. fishing concerns, including the U.S. tuna industry, U.S. conservation organizations and U.S. consumers, as well as the residents of Hawaii, Guam, American Samoa and the Northern Mariana Islands, all have a crucial stake in the health of the oceans and their resources as promoted by the WCPF Convention.

The international fisheries commission established by the WCPF Convention is still in its early stages of operation and faces a number of challenges in fully establishing the infrastructure necessary to implement the Convention. Managing an international fishery of this size takes considerable financial and human resources, which requires the support of all members. While there are plans for growth, at present the Commission Secretariat is composed of the Executive Director and five professional staff members. Prior to becoming a member, the United States has provided annual voluntary financial contributions to support the work of the Commission, including to assist developing States and to advance work in specific areas like developing the regional observer program and collecting critical fisheries data in Indonesia and the Philippines. As a Contracting Party, the United States will be required to pay its share of the approved Commission's budget. However, despite its relative youth, the WCPF Commission has already made considerable progress in addressing many of the key issues facing fisheries today: over-capacity, compliance, management of the target stocks, and addressing bycatch of both fish and non-fish species.

While considerable progress has been made in managing fisheries in some areas of the world, overcapacity continues to plague many fisheries. Overcapacity can contribute to the problems of overfishing, illegal fishing, non-compliance, bycatch, and the stability and viability of fishing industries and communities. The Pacific is no exception. During the negotiation of the WCPF Convention, the participants adopted three resolutions calling for restraint on further expansion of fishing effort and capacity in the region. In 2005 the WCPF Commission adopted a resolution on the reduction of overcapacity in the Convention Area that occurred after the earlier resolutions. While we support the recent resolution adopted by the Commission, much more work is needed to effectively manage fishing capacity in the WCPFC.

Ensuring compliance with adopted rules is central to effective fisheries management. Conservation and management measures will fail to meet their objectives if members cannot be assured that those that do not adhere to the rules will be held accountable. There are a range of tools and mechanisms available to monitor and assess compliance, including satellite vessel monitoring systems (VMS), on board observer programs, transshipment monitoring, port control measures, trade tracking schemes, high seas boarding and inspection, a record of fishing vessels, and positive and negative vessel lists. The WCPFC has made considerable strides in developing an integrated monitoring, control and surveillance (MCS) regime for the Western and Central Pacific. In 2004 the Commission adopted a record of fishing vessels authorized to fish beyond areas of national jurisdiction in the Convention Area and specifications for the marking and identification of fishing vessels. In 2006 the Commission adopted MCS measures establishing a regional VMS system that will become operational in January 2008, elaborating the regional observer program, and instituting the procedures for developing and administering an illegal, unreported, and unregulated (IUU) vessel list. In addition, in 2006, the WCPFC became the first regional fisheries management organization to adopt procedures for high seas boarding and inspection.

The incidental catch of associated and dependent species, such as seabirds, sharks, sea turtles, and billfishes, in tuna fisheries remains a serious problem globally. The WCPF Convention empowers the Commission to take management action regarding such species and it has begun to do so. In 2005, during its first year of operation, through U.S. leadership, the Commission adopted resolutions on the incidental bycatch of seabirds, the capture of non-target fish species, and the impacts of fishing on sea turtles. The Commission took further action in 2006 by adopting binding conservation and management measures for seabirds that includes requirements for the use of specific technical mitigation measures and a binding measure for sharks that includes a ban on finning similar to that adopted by other regional fisheries management organizations. In addition to the conservation and management measures it adopted in 2005 and 2006 for yellowfin and bigeye tuna, the Commission has adopted precautionary measures for swordfish, striped marlin, and both northern and southern albacore tuna. We are very encouraged by these efforts, and applaud the Commission for taking these steps. However, further work is still urgently needed, particularly for sea turtles and sharks. The United States will continue to work with other WCPFC members to strengthen these measures and adopt additional binding bycatch mitigation measures.

Furthermore, the U.S. remains concerned about the status of some of the target tuna stocks in the Western and Central Pacific Ocean. The conservation and management measures for yellowfin and bigeye tuna that have already been adopted are a good first step, but they do not in our view adequately respond to the scientific advice provided by the Commission's Scientific Committee. As a full member, the United States will be pressing for further conservation and management measures that fully account for the scientific advice and that are fair and effective.

Mr. Chairman, the highly migratory fish stocks of the Western and Central Pacific are of great significance to the United States and the other nations involved in those fisheries. Indeed, the tuna fisheries in that region are the largest and most valuable in the world. Implementation of the WCPF Convention offers the opportunity to conserve and responsibly manage these resources while the threat of overfishing and overcapacity are still at a manageable stage, before conditions deteriorate as we have seen too often elsewhere in the world's oceans. As such, the United States is very pleased it will be full member of the WCPF Convention ten days from today. We look forward to continuing to work closely with colleagues in Hawaii, American Samoa, Guam, and the North Mariana Islands, the U.S. tuna industry, and all the other U.S. stakeholders to advance our objectives and interests in the Commission and ensure the long term sustainability of the region's precious marine resources.

OTHER INTERNATIONAL FISHERIES ISSUES AND AGREEMENTS

While the circumstances confronting the United States and other participants in the WCPFC have some special features, we see many of the same basic challenges in international fisheries the world over:

- The Food and Agriculture Organization of the United Nations (FAO) reports that roughly half of major marine stocks for which information is available are being harvested at or near maximum sustainable levels; one quarter are over-exploited and one quarter are moderately or under-exploited. Moreover, problems with monitoring and data submission suggest that the status of the world's fisheries may be more precarious than reported by the FAO.
- Population growth continues to increase the demand for fish, while improved fishing technology continues to enhance harvesting capacity. Because fish are the main protein source for 1 billion people, primarily in developing countries, and provide 5–10 percent of the world's food supply, the decline of fishery resources adversely affects world food security. Aquaculture can and increasingly does fill the gap, but certain unsustainable aquaculture practices raise concerns of their own.
- Urban run-off, marine debris, and loss of coastal habitat resulting from increasing human populations and development along the coast are also affecting fisheries habitat.
- The fishing capacity of the world's fleet, which is generally considered to be too large already, continues to grow. Ineffective management has led to overcapacity in many key fisheries, which has contributed to a decline in stocks, while at the same time harming the economic interests of U.S. fishers. Efforts to control the expansion of capacity, much less to reduce it, have met with limited success.

- Excessive levels of subsidies to the fisheries sector is also a contributing factor to overcapacity of fishing fleets. The United States is leading efforts in the World Trade Organization negotiations to achieve stronger rules on fishing subsidies to complement efforts to bring international fisheries under more effective management generally.
- Regional fisheries management organizations (RFMOs) have produced mixed results. RFMOs often fail to adopt conservation and management measures in line with scientific advice. RFMO compliance schemes often lack strict sanctions and enforcement mechanisms. Even where management measures are adopted, RFMO members often fail to enforce those measures on their fishing vessels fully. Fishing activities by non-member vessels further undermine the effectiveness of such measures.
- Certain fishing gear and methods raise other concerns, including high rates of bycatch and other harmful effects on ocean ecosystems. A global moratorium on large-scale high seas driftnet fishing remains in place. Measures to reduce bycatch by other gear types have been successfully implemented, but much more remains to be done. The international community is now embarked on a concerted effort to limit the effects on the marine environment of destructive fishing practices, including bottom trawling that has adverse effects on vulnerable ecosystems.
- Many developing States lack the capacity to manage fisheries in their waters comprehensively or to prevent illegal poaching by either distant water fleets or coastal neighbors. Many developing States also register significant numbers of vessels that fish on the high seas or license them to operate within their exclusive economic zones, but often fail to control the fishing activities of these vessels effectively.

In the face of these daunting challenges, the United States has played a leadership role within the international community to find and implement solutions. A few of these initiatives have particular relevance for the Asia and Pacific region:

South Pacific RFMO. There is at present no multilateral mechanism for conserving and managing the non-highly migratory fisheries of the South Pacific region. Since 2005, however, the United States has participated actively with other interested States and stakeholders in negotiations to establish such a body. At the most recent round of negotiations in Chile, the United States brokered agreement on a forward-looking set of interim measures that will apply to these fisheries pending completion of the negotiating process. These include, for pelagic fisheries, freezing fishing effort at current levels and, for bottom fisheries, freezing both fishing effort or catch and areas fished to current levels. They also include provisions for scientific research, the collection and dissemination of current and historical data, and flag State control of fishing vessels through VMS and observers. Also, for bottom fisheries, there are detailed provisions regarding the assessment of significant adverse impacts on vulnerable marine ecosystems. Negotiations on the long-term regime will continue in the fall. To that end, we are also engaging with a wide range of U.S. stakeholders to determine how best to advance U.S. interests in this exercise.

Northwest Pacific Fisheries Negotiations. A similar effort is underway to bring the limited fisheries along the Emperor Seamount chain under some form of multilateral management. These seamounts extend from the Northwest Hawaiian Islands to the Aleutian Chain in the high seas area of the Northwest Pacific outside of the U.S. Exclusive Economic Zone. Along with Japan, South Korea and the Russian Federation, we have negotiated another set of interim measures designed to minimize any adverse effects of these fisheries on vulnerable marine ecosystems in this area. These interim measures, like those adopted in the South Pacific negotiations, are fully consistent with the provisions of the United Nations General Assembly Resolution 61/105 (2006). As in the South Pacific, these interim measures will apply until a long-term agreement is in hand. We are presently preparing for further talks with our international partners. Once again, we are seeking input from a wide range of U.S. stakeholders to determine how best to advance U.S. interests in this exercise.

U.S. Fisheries Agreement with South Pacific Islands. Since 1988, the U.S. tuna purse seine fleet that fishes in a vast area of the central and western Pacific, including the waters under the jurisdiction of many South Pacific Island nations, has done so pursuant to the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States, otherwise known as the South Pacific Tuna Treaty.

The Treaty has provided considerable economic benefit to the United States over its history. Tuna harvested by U.S. vessels operating in the Treaty Area has a landed value of approximately \$100 million annually. The value of the tuna increases

as it moves through the processing and distribution chain; its total contribution to the U.S. economy may have been two to three times the landed value, or approximately \$200 to \$300 million annually. In addition, tuna caught by U.S. vessels operating under the treaty supply two important canneries in American Samoa that, together with associated services, provide more than 80 percent of the private sector employment in that U.S. territory.

Under a related Economic Assistance Agreement, the United States provides \$18 million in annual Economic Support Funds (ESF) to the Pacific Island Parties. The Treaty has provided tangible political benefits as well. It has eliminated the tensions that existed previously between the United States and Pacific Island Parties with respect to claims of fisheries jurisdiction, fishing access rights, and other aspects of international law. The Treaty now serves as the foundation for a strong and mutually-beneficial relationship that carries over into other areas. When it comes to the implementation of the Treaty and the WCPFC, the Pacific Island Parties see the United States as a reliable and trusted partner.

Using these agreements, the United States is pursuing an agenda for international fisheries management in the Asia and Pacific region that can be summarized as follows:

- (a) Promote Ecosystem-Based Fisheries Management;
- (b) Control Fishing Capacity;
- (c) Combat Illegal, Unreported and Unregulated Fishing;
- (d) Strengthen RFMOs;
- (e) Secure Equitable Access for U.S. Fishermen to Shared Resources; and
- (f) Increase Assistance to Developing States.

CONCLUSION

Thank you, Mr. Chairman, for this opportunity to discuss these issues. I would be happy to try to answer any questions from the Members of the Subcommittee.

Mr. FALEOMAVEGA. Thank you, Ambassador Balton. Appreciate your testimony this afternoon.

I have a question in terms of U.S. participation in international fishing agreements, and to what extent—how is that brought about that it would be as part of our national interest.

As I have said earlier, we import over \$13 billion worth of seafood products from foreign nations, and I wanted to follow up on that line of thought and saying that is our country serious about developing our own fishing industry or aquaculture development?

In fact, there is a bill pending where I also happen to be a member of the Fishery Subcommittee, and we wanted to work in concert with our Department of Commerce to promote aquaculture development simply because of this reason. Why can't we do it domestically ourselves? And there is already opposition to this proposed idea of having greater aquaculture development. Those who do the fishing feel that it will play into their ability to catch fish and to sell it commercially as you would those who would be developing aquaculture fisheries.

I also note with interest that even our own fishing industry is about a \$6-billion or \$7-billion industry here in the United States. Very interesting, I want to note.

But you noted earlier, Ambassador Balton, about the Convention. It took us almost, what, 5 years to negotiate this agreement? And I believe one of the countries that was most formidable in coming to finally agree to the principles of the Convention was Japan.

Ambassador BALTON. Yes.

Mr. FALEOMAVEGA. Besides the weighting problems that we are having with the Commission in that country, and I believe Japan is one of the biggest consumers of especially tuna for that matter in the world.

Increased fishing fleets, is there any way of managing this area of fishing? I can cite a figure that Taiwan or Korea alone has about 800 fishing vessels fleet, and I believe the Chinese are also building by the hundreds fishing boats. Just of interest, even the Island Nation of Kiribati recently did a licensing agreement with Spain, allowing some 14 ships from Spain to come all the way from the Atlantic to the Pacific to do fishing. Why? Because there has been overfishing in the Atlantic.

I wanted to ask you, what is your assessment on the supply of the amount of fish in both of these major oceans? I think the Atlantic is in worse shape than we are in the Pacific, but we are going along that same trend of this problem being overfishing. Can you comment on this idea that now countries are more developing their capabilities of establishing their fishing fleet? Where is the United States in all this as far as establishing its own fishing fleets of both purse seine as well as longline?

Ambassador BALTON. Mr. Chairman, you raise a number of important points. I will try to pick them up one at a time. Dealing with the problem of overcapacity in the world fisheries is, I think, our biggest challenge. We have at the rhetorical level achieved agreement that capacity must be brought in line with sustainability of the stocks. We are not yet there today.

You are right that the tuna stocks in the Pacific are, generally speaking, in better shape than in the Atlantic by a good measure, and let me just touch on a few of the main ones.

Skipjack tuna in the Pacific is the most productive of the region's tuna species. It is the backbone of the purse seine fisheries and it is generally considered to be in good condition. Yellowfin tuna in the Pacific is important to both purse seine and longline fisheries. The stock in the Western Central Pacific has recently shown some signs of stress, and there was a recommendation from the WCPFC scientific committee to reduce fishing mortality by at least 10 percent.

Another species in the Pacific is bigeye tuna. This is the main target species for many longline fisheries, including the U.S. longline fleet based in Hawaii. These tuna stocks are generally less productive and more vulnerable to fishing than other tuna stocks, and, yes, we have real concerns about the status of bigeye tuna in the Pacific, so does the WCPFC scientific committee. They have recommended a reduction in fishing mortality of 25 percent.

Two more: Albacore tuna, this is the stock that supports the U.S. longline fishery based in American Samoa and the troll fishery along our west coast. The stock in the South Pacific is considered to be in good condition. The stock in the North Pacific is considered to be at or near full exploitation levels.

Finally, for swordfish, this stock is targeted by the U.S. longline fishery based in Hawaii. Recent assessments indicate that the stock of swordfish is not overfished, but we do need better data.

Mr. Chairman, you asked about U.S. plans to increase our own production. I may not be the best witness to answer that question for you today, but the statistics you read out are certainly true, and they are compelling. We do as a country import vastly more seafood than we, in effect, produce ourselves, but you may direct that ques-

tion to some of the other witnesses today for an industry perspective.

My colleagues from the Department of Commerce might be best suited to answer your question about, at least from the administration's point of view, U.S. plans to grow U.S. production here at home.

Mr. FALEOMAVAEGA. Can you share with the subcommittee at least for the record how the Convention fishing treaty compares to other bilateral and multilateral fishery agreement in our Nation? Are there any restrictions? Do you see duplications or perhaps we are going right along pretty good conducting our national interests as far as the fisheries programs are concerned?

Ambassador BALTON. This Convention, the one that establishes the Western Central Pacific Fisheries Commission, is among the most modern and most in line with the type of approaches the U.S. would like to see in international fisheries agreements. It is still in its infancy and there is not yet much of a track record on which to base an answer to your question.

Generally speaking, we are trying to bring the various international bodies that manage the tuna fisheries in different oceans into a situation where they are working better together. As we join the WCPFC, we will now be a member of three tuna commissions. There is another one for the Eastern Pacific Ocean, the Inter-American Tropical Tuna Commission, and one for the entire Atlantic, the International Commission for the Conservation of Atlantic Tunas. With other nations, including Japan, we have been trying to make these organizations work better together. The fishing fleets, as you note, move from ocean to ocean. Their markets are global in nature. It certainly makes sense for these organizations to work more in concert with each other.

Mr. FALEOMAVAEGA. I would also note with interest that at one time I think the swordfish industry in New England, among the New England states that was fished by longline, and some 100 vessels are now based out of Honduras simply because there is no more swordfish.

Would you share with us the extent of our U.S. longline fishing industry at this point?

Ambassador BALTON. I can tell you that in the North Atlantic we have a success story, though it is not a complete story yet. Swordfish in the North Atlantic were seriously overfished a few years ago, but with our partners in the Atlantic Tunas Commission we embarked upon an aggressive rebuilding program and the swordfish stocks have recovered. The U.S. industry in New England now has hope of prosecuting fisheries to a greater extent for swordfish than they have in recent years.

As I noted in the Pacific, we do have a longline fishery for swordfish based in Hawaii. The swordfish that they fish for are not overfished, although as I said earlier we could use better data before we have more certainty about that statement. There are some other issues of concern with the way certain swordfish fisheries operate, including rates of bycatch that we are trying to address.

Mr. FALEOMAVAEGA. You had indicated earlier that there are currently no multilateral fishing agreement on non-migratory fish in place, especially in the Pacific Region. Is there any intention on the

part of our country to initiate some movement toward that direction to establish a multilateral agreement similar to the Convention?

Ambassador BALTON. Thank you, Mr. Chairman, for that question.

I was trying to say that there is no multilateral mechanism for regulating such fisheries in the South Pacific. We do have such organizations in other areas of the world, and we are today involved in an effort to create such an organization for the South Pacific Region. This initiative began in 2005. It will continue this fall. It is difficult to predict when it will conclude, but I will make a guess, in 2 years time. Then we will need to consider whether we will join the organization and what our goals in it will be.

We do not have fishing vessels today that participate in these fisheries on the high seas of the South Pacific, but we are an importer of these species, and we do have larger interests in effective management of international fisheries generally.

Mr. FALEOMAVAEGA. I had just returned from Thailand and meeting also with some of the fishing interests in that country. As I said earlier, Thailand currently is the largest producer of canned tuna in the world. They exports tuna to the United States, both water and oil packed tuna.

What do you do with countries whose fishing fleets don't conform to fishing standards that our fishing fleet are expected under Federal law, the dolphin safe requirement and all of this? What do you do with those countries that don't even bother to take conservation measures and making sure that when they make catches that it is done properly and not waste it?

Ambassador BALTON. Mr. Chairman, dealing with compliance in international fisheries is the second of the two challenges I mentioned in my opening statement, and it is a difficult challenge. I would not say that there are countries out there that ignore the need for compliance altogether, but you are right, the record is spotty and mixed at best.

We do have some tools to improve compliance with fisheries. I mentioned some of them. I will repeat them briefly. It is possible, for example, to require vessels to carry vessel monitoring systems so at least you know where they are. It is possible in certain fisheries to have on-board observers to take account of what happens on at least a certain percentage of vessels. You can have trade tracking beams, and for certain high-value fish we do that now so we can follow their progress through international trade. We can establish rules to require the ports where fishing vessels or transport vessels come in to off load or transship fish to have inspection rules, other sorts of controls in place.

These are the tools, among others, we have at our disposal. The trick is making them work and making them work effectively, and I cannot say today that we have yet solved this problem.

Mr. FALEOMAVAEGA. Has there ever been any data collected, and I have always expressed this concern over the years in trying to figure out what do you do with miscellaneous or bycatch fish that fishing vessels would catch them and just simply discard them? I have always been curious if there was any data collected as to the dollar value, and when I say miscellaneous fish, bycatch, I am talk-

ing about swordfish and—I mean, they are just as good as eating tuna. Well, maybe not as good as tuna, but they are high in protein, and can we just utilize them, but what is our position on the serious problem of miscellaneous fish that is just wasted when vessels go out to conduct fishing?

I suspect that this doesn't occur as much as you would longlining but different on fishing operations, this is one of the serious problems.

Ambassador BALTON. I agree with you, Mr. Chairman. This is one of the serious problems, both the problem of excess discard—

Mr. FALEOMAVAEGA. And I am not saying just our country. All the countries of the world that have fishing operations, Korea, Thailand, Japan, even the European countries, and I suspect this bycatch that goes on is—it is going to have an impact. I am sorry. I didn't mean to interrupt you. Please.

Ambassador BALTON. No, that is quite all right.

I was agreeing with you that this is a big problem, both the problem of discards and the problem of bycatch of other types of animals that are caught in the course of fishing operations. We recognize that this is a problem, particularly for coastal states with small-scale fisheries that provide a substantial amount of local populations protein needs.

The species and the amounts of fish that are discarded do vary greatly fishery to fishery. There is no one answer to your question I am sorry to say. However, although reasonable estimates of discard rates are available for some fisheries, it is hard even to quantify this overall. In purse seine fisheries, more than 90 percent of discarded fish tend to be small-sized tunas. Sharks, wahoo, mahi-mahi, billfish are also discarded in purse seine fisheries. But these fisheries, particularly sharks, make up a much larger fraction of discards in longline fisheries.

Mr. FALEOMAVAEGA. Well—go ahead. I am sorry.

Ambassador BALTON. It is not always cost-effective to require fishermen to retain fish on board due to the loss of revenues for more valuable fish that would be foregone, but it is a tool in some fisheries that can help deal with the problem of waste.

For bycatch, we have been successful in reducing certain types of bycatch in certain types of fisheries. In shrimp trawl fisheries, we have turtle excluder devices that, when used properly, can very significantly reduce the catch of sea turtles in those operations. We now have certain types of gear and bait combinations that have been shown to reduce the bycatch of sea turtles in certain longline fishing operations. They reduce the bycatch of seabirds as well. So we are making progress in this too, but there is much more to be done.

Mr. FALEOMAVAEGA. You mentioned sharks.

Ambassador BALTON. Yes.

Mr. FALEOMAVAEGA. My favorite subject. I don't know if Americans realize this, the most expensive soup in Tokyo is sharkfin. A little bowl of sharkfin soup is over 100 bucks, and the question, does the Convention address the problems of the way that some fishing operations just capture the sharks or cut their fins and then discard the rest of the remains? Is the Convention addressing this serious problem of killing sharks indiscriminately or doing so just

to get their fins because it is highly prized among the consumers in Asia?

Ambassador BALTON. Mr. Chairman, I can report some success or at least some progress on this issue. We have gotten the Western Central Pacific Fishery Commission and a number of the other fishery commissions as well to follow the U.S. lead and prohibit the practice of shark finning, by which I mean the cutting off the shark fin, and the discarding of the carcasses at sea.

The problem is one of enforcement. It is a very difficult rule to enforce. We have some ways designed to improve compliance with this rule. We need to find more effective ways to ensure compliance. This year we hope to introduce at a number of these regional fishery management organizations some new ideas for improving compliance with the prohibition on shark finning.

Mr. FALEOMAVAEGA. Do you think you might be likely that we can introduce legislation to really put some teeth on anybody who is caught capturing sharks and catching them just for their fins, really put a heavy fine, confiscate their vessels, make it so that they put the fear of God in them that they shouldn't do this?

Now, you and I know the importance of the sharks in the environmental system, but my fear is the killing of sharks indiscriminately continues, and I hate to say this, especially among the Asian fishing vessels that do that, and I just wanted to know if the Convention intends to—provisions of the Convention intends to address the issue of killing sharks.

Ambassador BALTON. You had two questions that I heard, Mr. Chairman. First, with respect to what Congress might do. Congress has acted. In 2000, Congress passed the U.S. Shark Finning Prohibition Act, and that actually has helped already spur other nations to follow our lead in prohibiting shark finning, and has aided us in our endeavors of bringing countries around in multilateral organization to adopt similar prohibitions.

As far as the Convention, yes, it provides us a basis for dealing with the problems of excess shark fisheries, shark finning, other types of wastes, and we have, as I mentioned, secured some initial measures designed to protect sharks from overfishing, but we need to do more.

Mr. FALEOMAVAEGA. I know the two basic issues in any of the leaders with international fisheries agreements, that is a reference to conservation and management.

Ambassador BALTON. Yes.

Mr. FALEOMAVAEGA. And what I wanted to ask you is, and this is always the problems that have been brought to my attention over the years, our fishing fleets are subject to Federal standards? They can kill fish or whatever they want to do, but that same stringent standard does not apply to foreign countries and their fishing vessels and their operations.

My question is how do we put some sense of equity in this unfairness because it is not right that we subject our fishing people to these high standards, but it is okay for other countries to do anything they want by way of just not even have any sense of conservation when it comes to catching fish?

Ambassador BALTON. I agree that that is unfair. The way to achieve a level playing field internationally though is through insti-

tutions such as the Western and Central Pacific Fishery Commission, that is the place where you can bring all of the countries around the table, get commitments to follow a common set of rules, raise foreign standards to something approximating U.S. standards and hope to give U.S. fisheries an equal opportunity that way.

Mr. FALEOMAVAEGA. As you are aware, our whole U.S. tuna industry has come a long way.

Ambassador BALTON. Yes.

Mr. FALEOMAVAEGA. Years ago, in the 1950s, fishing was done primarily with fishing poles. It was pretty much to ourselves in terms of our capability. We had several tuna canning facilities in Puerto Rico as well as in the west coast, in California. All this has changed because of the tremendous amount of competition now where other countries have also established their own tuna fishing industries in such a way that not only has it become very competitive, the bottom line is that you can have these canning facilities, but if no fish, you can't do anything.

Does the question of conservation of fishing methods as well as the ships or fishing vessels that conduct fishing operations, is that going to be a serious part of the Convention directives and making sure that this part of the whole fisheries program is going to be managed very well?

Ambassador BALTON. Yes, the short answer. This is a core part of what the Convention calls for and what the new Commission created by the Convention is already doing. As we join the organization in 10 days time, you can be sure this will be at the top of our agenda.

Mr. FALEOMAVAEGA. And what about the problem if all these 16 countries that become part of the South Pacific fishing treaty, and then these same countries turn around and conduct bilateral fishing arrangements with other countries who are not necessarily subjected to the same standards and expectations like we do?

Has there been any action taken to make sure that—it doesn't seem to make any sense that we do it, be subjected to a regional organization. Then they turn around on their own and say, well, you know, I just want to do this on my own because we get more licensing fees if we do it with other countries. Is this a good way to conduct fishing operations in a way that we can do this?

Ambassador BALTON. If you are asking me, no, it is not in the long-term interest of the Pacific Island nations to license excess capacity for fishing for these species in that region.

The tuna fisheries in that area are their most valuable resource. The temptation to license is very strong. When we entered into this agreement between the United States and the 16 Pacific Island countries in the late 1980s, it was for another reason, an effort to try to impose a new model on the way fisheries in that region ought to be conducted. We had hoped that our competitors in the region from other distant waters, distant water fishing nations would enter into similar agreements such as ours. We have not been successful in realizing that hope, and we have made that clear to the Pacific Island nations, too.

The advent of the WCPFC does change the equation somewhat and if we can secure meaningful capacity limits through the

WCPFC, we will have achieved something meaningful that we could not do one on one with Pacific Island states.

Mr. FALEOMAVAEGA. I don't know if the statistics are accurate, but it is my understanding, I think last year we harvested over \$2 billion worth of tuna, at least among fishing nations there in the Pacific, West Central and Western Pacific, and I am just curious if that amount of supply is going to continue the way it is, or is it going to get worse because of the increased number of fishing vessels that are going to be conducting fishing operations in the Pacific?

And I suspect that this is one of the areas of the Convention also intends to look at very closely.

Ambassador BALTON. It is. I would say that if we are smart, the United States and our partners in this Commission, we can ensure a sustainable delivery of fish out into the future, but there are warning signs on the horizon with us today already, and we must be attentive to them. We just need to address the problems that I have outlined. Only then will we be able to achieve sustainable fisheries in the region.

Mr. FALEOMAVAEGA. Mr. Ambassador, thank you very much. Appreciate your coming here this afternoon.

Ambassador BALTON. Thank you, sir.

Mr. FALEOMAVAEGA. You are more than welcome to stay on if you would like, but I would like to call the two other distinguished witnesses to our Panel No. 2 for the hearing this afternoon.

Mr. John Connelly who is currently the president of the National Fisheries Institute, and the National Fisheries Institute is the nation's leading trade association advocating for the fish and seafood business with commercial fishing vessel owners, aquaculture farmers, importers, exporters, processors, distributors, restaurants and grocery markets as members of the National Fisheries Institute represents the fish and seafood commerce chain. As they say, "from water to table."

And the National Fisheries Institute lobbies the Congress and working for agencies, serving as the seafood community spokesman with the media, provides technical assistance to its members.

Mr. Connelly also served as chairman of the International Coalition of Fisheries Association, and is a founding member of International Coalition of Aquaculture Associations. Mr. Connelly is a veteran of the U.S. Navy, both in the shipboard and staff assignments, and currently is a captain in the Navy Reserves, and specialized in political-military affairs and terrorism consequence management. Wow, that is pretty heavy.

A graduate of The College of the Holy Cross, with a master's of business administration degree from George Mason University.

Also with us is my dear friend, Mr. Dave Burney, who has for well over 30 years successfully involved himself with the various aspects of the U.S. tuna industry. Mr. Burney served as general counsel for the American Tunaboat Association. Also, joined the U.S. Tuna Foundation, a trade association consisting of all the branded U.S. canned tuna manufacturers and all of the distant water U.S. tuna purse seine fleet. He currently remains as executive director of the USTF, that is, the U.S. Tuna Foundation, and supposedly retired, but I doubt that very much. He currently serves

as the managing director of the Ocean Global, Incorporated, and Sea Global, Incorporated, and owns 12 U.S. purse seine vessels.

For 30 years, Mr. Burney has represented the interests of the U.S. tuna industry before the Congress and before the various Federal agencies. He has worked extensively with the U.S. Department of State, as well as the Department of Commerce, and served as members of the various boards in the Marshall Islands, the Federated States of Micronesia, the Inter-American Tropical Tuna Commission, International Commission for the Conservation of Atlantic Tuna, Western and Central Tunas, South Pacific Tuna Treaty, which I know that he was one of the key players in the development and eventual passage of the South Pacific Tuna Treaty that is now in place.

Also served as advisor to the Committee of the U.N. Convention on the Law of the Sea, which I intend very much in the future to be holding an oversight hearing on this important proposed treaty.

So, gentlemen, I want to welcome both of you to the subcommittee for the hearing this afternoon, and without objection, both of your statements will be made part of the record, and I would like to proceed now and ask Mr. Connelly for his statement.

STATEMENT OF MR. JOHN CONNELLY, PRESIDENT, NATIONAL FISHERIES INSTITUTE

Mr. CONNELLY. Thank you, Mr. Chairman, and my congratulations on your ascension to this important role. Our organization looks forward to working with you and the subcommittee in the future on these important issues.

As you referenced, National Fisheries Institute represents the seafood industry in the U.S. from those vessels at sea catching the products through processors that put it in a form that Americans are used to seeing their fish, all the way down to the retailers and restaurants that provide it to America's families.

In the last couple of months, we have made an important programmatic step at NFI when we merged with the U.S. Tuna Foundation, and that will be a central part of NFI going forward, so we look forward to working with you in your role as a representative of American Samoa also.

The tuna industry has strong commitment to sustainability. It is a core business principle for an industry to last long term. We like to say there needs to be fish now and for the future. In our commitment to providing fish now, it is important to realize that our companies provide over 2 billion meals each year to American families. And it is 2 billion. Each year Americans are enjoying a high protein, low fat meal, and that is particularly important to lower income and fixed-income families. So this is an important part of the American diet.

We also need to have this commitment to the future to ensure that an industry that is a century-old also maintains viability and can operate into the future well into the next century. A core part of sustainability for tuna, particularly tuna stocks, is the RFMO system that Ambassador Balton described so well. And the tuna industry is very encouraged by the ascension of our Government and our Nation to the Western Central Pacific Fishery Commission. We do have strategic interests in the region as a country, but from a

food issue, from a food security standpoint we have strategic interests in making sure that we can provide as much seafood to American consumers from domestic sources as possible.

The role of the U.S. is unique in this area in that we are, as you referenced in your opening statement, a distant water fishing nation and at the same time a coastal state, and that puts us in a very unique position or a unique situation. Hopefully Ambassador Balton and his team, working with the subcommittee and others, can help bridge the divide between what sometimes are disparate views of how to approach a problem between distant water fishing and coastal states.

Our written remarks included highlights on data deficiency, capacity, and enforcement issues, and I think Mr. Burney is going to describe some of those issues in more depth, so I will leave those alone.

Finally, the tuna industry also is using market forces to ensure other nations are adhering as closely as possible to international agreements and also following the example that the U.S. has been able to set in the management of our own stocks. As an example of that, the U.S. Tuna Foundation has worked with one of their large customers, the Wal-Mart Corporation, and the conservation group WWF, or the World Wildlife Foundation, to develop a program in both the Atlantic and the Pacific to identify areas of improvement. We are going to be focusing on bycatch capacity and data issues, working through the RFMO system though, and that needs to be stressed. We need to have strong RFMOs in order to have this work continue, and so we will be working, again, through the government in order to achieve the success in the RFMO.

So with that, again, congratulations. We look forward to answering your questions today but also working with you in the future. [The prepared statement of Mr. Connelly follows:]

PREPARED STATEMENT OF MR. JOHN CONNELLY, PRESIDENT, NATIONAL FISHERIES INSTITUTE

Thank you Chairman Faleomavaega and Members House Foreign Affairs Committee Subcommittee on Asia, the Pacific and the Global Environment for the opportunity to comment today on the important issues of Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

The National Fisheries Institute members are the seafood companies that bring healthy seafood products to American families. Our members include harvesters, importers, processors, distributors, retailers and restaurants. Our organization represents the full value chain from "water to table." An important part of our organization is the NFI Tuna Council, USTF. USTF is a specially funded group of tuna processors committed to the sustainable use of the globe's tuna resources while fulfilling a commitment to provide an affordable source of protein to all Americans. Our organization looks forward to working with you in your new role as Chairman of the House Foreign Affairs Committee Subcommittee on Asia, the Pacific and the Global Environment.

This is an exciting but also stressful time for the U.S. tuna industry. NFI's Tuna Council is energized by our commitment to sustainability and demonstrating our industry's continued good practices that ensure that we can provide tuna now and into the future. Three specific, positive activities are important to note. First, the decision of the U.S. to become a member of the Western and Central Pacific Fisheries Commission (WCPFC). Second, the US tuna industry's commitment to strong conservation and management has been demonstrated in our sustainability policy. We have taken action to further commit to this policy. And third, additional US tuna boats will soon be reinvigorating the US presence in the Western and Central Pacific area. Mr. Burney will provide more background about the importance of this issue in his testimony.

Of additional interest is the challenge of the recently updated Magnuson-Stevens Reauthorization Act, particularly its international provisions.

USTF COMMITMENT TO SUSTAINABILITY

The canned tuna industry is proud of the policy we have established to promote tuna sustainability. The NFI Tuna Council, USTF, sustainability policy includes the following:

USTF supports international efforts to conserve and manage highly migratory fish stocks such as tuna. USTF believes this can best be achieved through an international commitment to take measures to prevent or eliminate Illegal, Unregulated, and Underreported fishing, over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fishery resources. USTF also supports international efforts that are technologically and economically practicable to mitigate by-catch. In addition, USTF supports, when necessary, the adoption of conservation and management measures for species belonging to the same marine ecosystem or associated with or dependent upon the target tuna stocks, with a view to maintaining or restoring such species above levels at which their reproduction may become seriously threatened.

WCPFC MEMBERSHIP

Tunas are highly migratory and swim between countries' jurisdictions. Governments must act together to manage the species. The U.S. tuna industry supports these intergovernmental arrangements and has been instrumental in many of the important management efforts in the area. The U.S. industry and government recognized that for U.S. boats to fish in the Western and Central Pacific, an agreement would be needed to allow the vessels to traverse the multiple jurisdictions in that area. This began with the successful negotiation of the South Pacific Tuna Treaty with 16 Pacific Island Nations in 1989. This agreement has been a major foreign policy success story for the United States in the central and western Pacific Ocean region, in addition to an excellent fisheries management success.

But in order to manage all distant water fishing nations, a regional fishery management organizations (RFMO) was necessary. Following on the lead of the South Pacific Tuna Treaty and the United Nations Fish Stocks Agreement, the Western and Central Pacific Fisheries Commission was formed. With the U.S. becoming a full member of the Western and Central Pacific Fisheries Commission (WCPFC) in ten days (July 27, 2007), we will be able to continue the U.S. leadership role to ensure continuation of this vital fishery.

U.S. leadership will be required to help the WCPFC succeed in addressing the challenges of the rights of distant water fishing nations (DWFN) and the coastal states within the WCPFC. The former expects management to include the entire region covered by WCPFC and the latter expects their EEZs to be excluded from WCPFC management. As a coastal state and a DWFN, the U.S. is sensitive to both concepts and can use this unique position to help achieve the consensus necessary to ensure WCPFC success.

In addition to determining the rights of various parties to the WCPFC, the RFMO must improve its ability to understand the catch levels of the various species for which it has responsibility. Significant data gaps, especially in the Philippines and Indonesian regions prevent fishery scientists from fully documenting catch levels and recommending appropriate management systems to ensure continued health of these stocks. Finally, the WCPFC must develop effective monitoring and enforcement programs to ensure their decisions are being carried out.

The tuna processing industry recognizes that governments are the decision makers in what occurs in WCPFC and other RFMOs. The industry works closely with our government to support the goals of sustainability and we actively participate in the U.S. delegations to the WCPFC and serve as advisors to the US Departments of State and Commerce. These enable decision makers to better appreciate the impact their agreements have on U.S. companies' ability to provide healthy tuna products into the American market.

We encourage the Subcommittee to continue to support a strong U.S. presence in this important RFMO. We urge you to support appropriations for the activities that will be required in the National Marine Fisheries Service Pacific Islands Regional Office in Honolulu as well as for the permanent advisory committee that is to be established. Funding is essential to provide the proper advice and services necessary for the U.S. to function as a full member of the WCPFC.

We also urge the Administration to demonstrate continued leadership in the WCPFC and bring the lessons learned from other RFMOs and agreements to their participation in this important effort.

USTF SUSTAINABILITY PROJECT

The tuna industry prides itself on “actions, not words.” USTF members commit resources, collectively through NFI and individually as companies, to ensure they provide only sustainably caught tuna to American families. We are committed to providing a nutritious product that will be available for generations.

We work with our customers and non-government organizations (NGOs) to further our goals of sustainability. An example of our sustainability policy in action is an initiative we are working on with Wal-Mart. With Wal-Mart, the tuna industry has partnered with the World Wildlife Foundation to explore options for addressing conservation issues in the principal fisheries that are sources of canned tuna—the Western and Central Pacific skipjack fishery and the Atlantic Albacore fishery. Our joint efforts began with jointly commissioning independent reports on stock levels in these fisheries. Based on the results of these reports we have identified three areas of concern: capacity; bycatch, which besides the customary bycatch of sharks, seabirds, and turtles, includes juvenile bigeye and yellowfin tunas; and data reporting, particularly from Indonesia and the Philippines (as described above).

USTF is committed to working with the U.S. government and their delegations to the RFMOs to achieve success in these areas.

MAGNUSON-STEVENSON REAUTHORIZATION ACT INTERNATIONAL PROVISIONS

While there are many positive activities ongoing in the Western and Central Pacific Ocean, USTF also recommends the Subcommittee closely follow the implementation of the international provisions of the Magnuson-Stevens Reauthorization Act (MSRA).

In 2006, Congress passed and the President signed the MSRA, which included implementing legislation for the WCPFC as well as provisions for international monitoring and compliance, and domestic equity. There are multiple directives to the Department of Commerce on these provisions, which will require significant work and resources to complete. We are concerned that the time frames given to the Department may require them to not focus on items of importance to the seafood industry. In particular, USTF is interested in efforts to address IUU and bycatch of living marine resources.

The MSRA allows the Secretary of Commerce to designate a country as having engaged in IUU fishing if certain criteria are met. This designation could trigger economic sanctions against the import of products from those countries.

The U.S. tuna processing industry strongly supports efforts to address IUU fishing and bycatch of living marine resources by identifying and certifying those nations whose vessels are engaged in such activities. However, we are concerned that when there are vessels that do comply with conservation measures that they should not be punished along with offending vessels. That is, we are concerned with lumping the good in with the bad.

Congress allowed the Secretary of Commerce to establish an alternative procedure for certification on a shipment-by-shipment, shipper-by-shipper, or other basis of fish and fish products from vessels from an identified nation. These vessels would not have engaged in IUU nor have they been identified as engaging in IUU by an RFMO. By establishing these alternative procedures, the US would be rewarding the complying vessels with access to the US market. These procedures would be very important for consistent and reliable supplies and, we encourage the Subcommittee to ensure this alternative procedure is further developed by the Department of Commerce.

In Section 406 of the MSRA, International Overfishing and Domestic Equity, if a fishery is determined by the Secretary of Commerce to be overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which no management measures to end overfishing under an international agreement to which the U.S. is a party, then the Secretary or appropriate Council is to, “develop domestic regulations to address the relative impact of fishing vessels of the United States on the stock.” This is an important concept in which USTF will have a strong interest.

CONCLUSION

The US tuna industry is committed to providing consumers with a nutritious product made from sustainable resources. I sincerely appreciate the opportunity to speak with you today about the conservation and management of highly migratory

species in the Western and Central Pacific Ocean. If you have any questions, I'll be happy to answer them.

Mr. FALEOMAVAEGA. Thank you, Mr. Connelly.
Mr. Burney.

**STATEMENT OF MR. DAVID G. BURNEY, PAST PRESIDENT, U.S.
TUNA FOUNDATION**

Mr. BURNEY. Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. I think you need to turn on your microphone.

Mr. BURNEY. Is there a way to turn it on?

Mr. FALEOMAVAEGA. Yes. Push.

Mr. BURNEY. That was too hard.

Mr. FALEOMAVAEGA. That is all right.

Mr. BURNEY. I also want to thank you for the opportunity to testify here today on a subject that I know is dear to your heart and dear to my heart as well.

I have spent 30 years of my life really involved with tuna conservation and management, and we have had success stories, we have had failures, and I think that is probably true of anything that you do in life. Hopefully, we have had more successes than failures, and you have alluded to the South Pacific Tuna Treaty, which I consider to be an incredible success story for the United States.

It has allowed us to prove to the world that you can enter into a multilateral agreement for the conservation and management of tuna between coastal states and the distant water fishing nations, in this case, the United States and actually agree on management measures, agree on some way of monitoring that fishery, agree on enforcement mechanisms to ensure that all of your management measures are carried out.

I think that is a very important point to make because if I have learned anything over the year it is if we are going to have successful and effective conservation and management of highly migratory fish stocks, such as tuna, we have to have international cooperation. We cannot do it unilaterally.

You were asking Ambassador Balton on what is the United States going to do. I think for the most part the United States does a very good job of representing themselves at these international regional fishery management organizations. The problem is we still have to reach consensus.

You alluded to Japan. You talked about the Asian countries, namely, China and Taiwan. It is very difficult sometimes to get these countries to accept the fact that we have to have some form of conservation and management that entails an impact on the fishing operation. We have to have observers on these boats. We have to utilize VMS to know where the boats are fishing. We have to be in a position to get data out of all the areas.

Right now we can't even get data from Indonesia and the Philippines, which is a large part of the tuna fishery in the Central and Western Pacific Region, and I realize you just go back from Indonesia. I would have liked to have spoken to you, and I probably should have, so that you could have talked to the fisheries people out there about getting this data.

Mr. FALEOMAVAEGA. I just want to say that—I didn't mean to interrupt your statement, Mr. Burney, but I did meet with the minister of fisheries, and the marine resources, and the gentleman's name is Freddy Numberi, and he happens to be West Papuan, and a retired vice admiral in the Indonesia Navy. So I am more than happy to work with our industry to make sure that Indonesia will play, as you said, the fisheries program there is just really, really there potentially, but there is still a lot to be done in terms of the two areas that you mentioned about conservation and management. But definitely I intend to work very closely with Minister Numberi, and see how Indonesia could also be a good party player to this whole problem of conservation and management in our fishing programs in the Pacific.

Mr. BURNEY. They are very key players, and all of fisheries conservation and management really starts with getting statistically reliable data. If you don't have the data, you really don't know what is going on, and that is the reason that we push so hard and why we accepted under the South Pacific Tuna Treaty the right of the Pacific Island nations to put observers on board our vessels. We need to collect data, and that is a constant need, and we must obtain that data throughout the spectrum of the fishery. We can't just limit data collection to certain areas where our vessels fish.

We have had no success so far within the WCPFC to get the other countries to accept observers, to accept VMS. It is very difficult to start a program when all countries don't come to the table with the same desire to find a conservation and management regime that is going to be effective.

As you know, there is arguments that always take place during these sessions about do we really even need any conservation and management at this time. Our goal, the stock is in good shape. As you pointed out, all of the stocks aren't in good shape. We are very fortunate to have a very prolific skipjack fishery in the Central and Western Pacific that is in good shape. It can't be said for yellowfin, it can't be said for bigeye, and both of those stocks are not targeted by purse seine vessels but purse seine vessels do have a bycatch of those species, and we recognize the value in listening to the scientists who have studied this for a long time what should be done.

What do they say? They say that this is due directly to the increase in the fishing activity on fish-aggregating devices, or FADS, floating objects.

I, for one, believe that we should take whatever steps are necessary to limit the fishing on FADS if that is directly correlated to the concerns over yellowfin and bigeye. We can't just talk about it for 5 years. We have actually got to do something, and we support this.

When I was at USDF, we adopted our own sustainability policy and we tried to push that policy through the relative RFMO, and as John just alluded to, that policy is now a part of the program that is being developed by Wal-Mart, the World Wildlife Fund, and the U.S. Tuna Foundation. The idea is not to go out and count fish—I think we all know how many fish aren't there—but the truth is what we have to do is have a program that we keep pushing through these RFMOs. The United States has to take a very strong leadership, and I believe that the South Pacific Tuna Treaty

gives them the opportunity to take that strong leadership, but we have to keep pushing.

You mentioned CARIBUS. I wanted, rather than just go through my testimony because I know you have read it, I would rather talk about a couple of things that you raise, and one of them was the fact that CARIBUS has licensed 14 Spanish vessels to come over into that area. The reason that they allowed those vessels to come over is that the United States isn't using all of its fishing licenses under the South Pacific Tuna Treaty. So their argument was if you are not going to use them, we are going to give them to somebody else.

What they didn't take into consideration was that the Spanish boats are almost twice the size of the United States vessels. As you know, we are rebuilding the U.S. fleet.

Mr. FALEOMAVEGA. Let me say twice the size, Mr. Burney. Will you elaborate for me what the capacity, how much tuna does that mean, the dollar value?

Mr. BURNEY. The Spanish purse seine vessels that were licensed are over 2,000 tons of carrying capacity. A typical U.S. purse seine vessel operating in the Central and Western Pacific today is around 1,200 tons of capacity. There are Spanish vessels up to 3,000 tons of carrying capacity.

My big argument with the Pacific Island parties over the years has been they wanted to regulate capacity on the basis of number of vessels. My argument has always been don't you care about the carrying capacity of those vessels. The Pacific Island parties felt if they could control and limit the number of purse seine vessels to 205, they could take whatever other measures were necessary to protect the conservation and management of the tuna species.

I don't disagree with that, but we haven't really taken any other measures of real importance. The U.S. fleet has through the treaty, through their own South Pacific Tuna Treaty, but other countries have not, and that is really the problem right now that we are trying to address. There is that issue.

But I did want to tell you that you mentioned the fact that I am now involved with a company that is acquiring buildings and vessels to rebuild our U.S. tuna fleet. We are doing that for a couple of purposes. We are doing it because we really do believe the United States has a much stronger voice in all of these RFMOs if we have a tuna fleet. Without a tuna fleet, we can say all we want, but we have a very difficult time relating to the other distant water fishing nations, and we have a difficult time convincing the coastal states that we have a serious stake at risk.

I want to see our fleet maintained somewhere between 25 vessels and the 40 that we have licenses for, and I would say to you that in calculating the 205 vessels that are allowed in the Central and Western Pacific the first 40 vessels are allowed to the United States. However, if we don't have vessels to take those positions, as you just pointed out, they give them to places like Spain and others that take advantage of that situation. So that is the reason we are rebuilding our fleet.

I would point out to you that our vessels are going to be 1,000 tons of carrying capacity. They are not going to be 2,000 or 2,500 tons of carrying capacity. We are reversing the trend back to a

small purse seine vessel because we think that is in the best interests of conservation and management in that area.

Mr. FALCOMAVEGA. Do you think there should be some kind of an international convention to limit the capacity of the way fishing vessels are currently being constructed? Like you said, in Spain it is a 3,000 ton capacity of their purse seine, and other countries less. Do you think that maybe there should be some kind of a standardize system rather than a country doing this without any limits because it definitely does have a bearing and it will definitely impact on the supply if the trend continues not only in size but also in numbers?

Mr. BURNEY. Yes, I think that others have—FAO has tried. I think a lot have tried to come up with criteria that should be established for each of the RFMOs on how they should handle fishing capacity. The problem is reaching the consensus within the RFMO and agree on some set of standards that would apply for that particular fishery.

Obviously, we have to do something, and again that is why I am not real critical of the Pacific Island parties' decision to limit the number of vessels to 205. That was a starting point, and then we should have taken a number of other points from that point forward, and we didn't do that, and I still think that that is possible as we go forward.

But I think it is important that when we start talking about all of these issues we bear in mind that if it does take international cooperation, if we have to manage this highly migratory resource, such as tuna, throughout its biological range, we have to ensure that we can reach consensus, and you can't always reach consensus just based on what you think should be done. Sometimes you have to bend a little bit to gain ground on your true objective, and I see that going on the WCPFC right now.

I really think the United States has done a good job of trying to lay the foundation for what needs to be done. We get the support from some other countries. Japan has been dragging its feet about taking observers, dragging its feet about putting VMS on its vessels, dragging its feet on supplying all of the data that we would like to have from their fleet of vessels operating in that area.

China has been the same way. Taiwan, to a lesser extent. We have had to drag them along, and we always point to the South Pacific Tuna Treaty as a success story. We are doing it. Why can't you do it? And the truth is if you are not doing anything wrong, you shouldn't be concerned about having an observer on board your vessel. They are not an enforcement agents. They are there to collect data. If you are not doing anything wrong, you shouldn't be worried about putting VMS on your boat where everybody knows where you are at all times that you are fishing.

You know, I have heard all the arguments, trust me, over the 30 years. I have made them myself. You put VMS on, then the other fleets will know where you are. Well, that is just not true anymore. The system has been developed where the ping only goes back to the foreign fisheries agency which has the responsibility for the VMS program, and we shouldn't worry about that.

I think it is just time that we all be honest, and we sit around a table. It is so easy sitting here. I look around the room and you

are saying to yourself, if we all sat around the room and gave everybody an opportunity to talk, we could come up with a pretty good conservation and management regime for any fishery in the world, and you know it better than I.

You put nation leaders sitting around the room that all have not only their political issues at stake here where they don't think anybody should tell them what to do in their own zone, but you have also got competing fishing interests, you have got nations that have a desire to go down one road, other nations that want to go down another road. It is very difficult to reach consensus.

I think it can be done. I think we are going to have our greatest test when we go to the next meeting of the WCPFC, which is in Guam at the end of this year. We are supposed to come back with an idea of how we are going to handle yellowfin and bigeye. We all know that the issue related to yellowfin and bigeye, at least with purse seine—I am not talking about longline fishing. But for purse seining, it is directly related to fishing on FADS. Are we going to take some action that is going to address this?

Now, this is right there in front of us, and we have got about three proposals on the table. Any one of the three would probably do the job, and I am very hopeful that we are going to see a success story at the end of this year.

I don't have much to add to that. I just would like to say that I would like to tell you one piece of good news. Our vessels will be based out of American Samoa, which I know you will appreciate, but I know that you chairing this committee is a step in the right direction because I know that you have a tremendous desire to see fisheries in your area of the world successfully managed and conserved.

When I was doing this testimony, I was looking about when is the last time that I was before a committee in Congress talking about tuna conservation and management. Well, it was in 1989. It was before the Senate Foreign Relations Committee, and they were really more interested about the South Pacific Tuna Treaty and the implications of that treaty to the Law of the Sea Treaty than they were fisheries conservation and management.

This is a subject that desperately needs to be discussed, and we can't just have a hearing here today and everybody go away and hope it is going to happen. I think we have to ensure that it happens. Thank you.

[The prepared statement of Mr. Burney follows:]

PREPARED STATEMENT OF MR. DAVID G. BURNEY, PAST PRESIDENT, U.S. TUNA
FOUNDATION

THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATING FISH STOCKS IN THE
WESTERN AND CENTRAL PACIFIC OCEANS

Mr. Chairman and members of the House Foreign Affairs' Subcommittee on Asia, the Pacific and the Global Environment, on behalf of the South Pacific Tuna Corporation (SPTC), I want to express our gratitude for being invited to testify here today on the very important subject of tuna conservation in the central and western Pacific Ocean. For your background, SPTC will be the manager of twelve (12) distant water tuna purse seine vessels that are currently being documented under U.S. law to fish exclusively in the western and central Pacific Ocean pursuant to a fisheries treaty between the United States and sixteen Pacific Island governments (SPTT). In addition to being CEO and President of SPTC, I'm also the Managing

Partner and Chairman of the Board of Ocean Global Inc. and Sea Global Inc., the owners of the twelve vessels in question.

Prior to becoming the CEO and President of SPTC in June of 2006, I spent over twenty-five (25) years as the Executive Director of the U.S. Tuna Foundation (USTF), a non-profit trade association representing the national and international interests of the U.S. canned tuna industry. During this time, USTF represented all of the U.S. branded canned tuna companies and the distant water U.S. tuna purse seine fleet. USTF represented the interests of the U.S. tuna industry on all of the various tuna Regional Fisheries Management Commissions (RFMO) including, the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Western and Central Pacific Fisheries Commission (WCPFC).

- *Background*

The subject of tuna conservation has been an integral part of my professional career since I first became legal counsel to the American Tunaboat Association in 1972. During the early 1970s and early 1980s, I was involved in the multi-lateral discussions that led up to the signing in 1982 of the United Nations Convention of the Law of the Sea (UNCLOS). Prior to the signing, the ownership, conservation and management of highly migratory tuna had been hotly debated.

The United States neither ratified the UNCLOS, nor recognized the claims of coastal States who declared sovereignty over the migratory tuna when it passed through their juridical zone (EEZ). The official U.S. position at the time was that tuna belonged to no one country because of their migratory nature and they could only be effectively conserved, and managed, as a biological unit throughout their entire range.

The UNCLOS clearly recognized the difference between conserving and managing “standing stocks of fish” and highly migratory fish such as tuna. Article 61, dealing with standing stocks of fish, gave the coastal States the right “to determine the allowable catch of the living resources in its exclusive economic zone” and to, “ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over exploitation.”

On the other hand, Article 64, dealing with highly migratory fish stocks, specifically provides that “the coastal State and other States whose nationals fish in the region for the highly migratory species . . .,” “shall cooperate directly or through appropriate International organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone.”

In the 1990 amendments to the Magnuson Fisheries Conservation and Management Act (MFCMA), the United States for the first time claimed a form of coastal State preference over the highly migratory tuna resource within its EEZ. The United States claimed the right to regulate the harvest of the resource found within its EEZ but made it clear that the resource could only be effectively conserved and managed through international cooperation. In essence, the United States did not want foreign fishing fleets to have unrestricted access to the highly migratory tuna stocks found in the U.S. juridical zone but recognized that effective conservation and management required multilateral cooperation.

Prior to the MFCMA amendments of 1990, the U.S. tuna industry opposed the extended fisheries jurisdiction claims by coastal States, as not being compatible with Article 64 of UNCLOS. The industry believed (and continues to believe) that highly migratory tuna cannot be managed on a unilateral basis. Further, the industry was aware that most harvesting of highly migratory tuna takes place within the claimed EEZ of coastal States and access denial was becoming a serious issue for distant water tuna vessels.

As a result, beginning in 1984 representatives of the U.S. tuna industry initiated access discussions with officials of several Pacific Island coastal States located adjacent to the prolific skipjack tuna fishery in the western and central Pacific Ocean. The purpose of the discussions was to explore the possibility of creating a *regional* access arrangement for the U.S. distant water tuna purse seine fleet, which up until this time had been operating primarily in the eastern tropical Pacific Ocean, off of Central America.

From 1985 to 1987, the U.S. tuna industry, working cooperatively with the U.S. Government, continued to pursue a regional tuna access arrangement in the western and central Pacific Ocean region. In 1987, this effort resulted in the precedent setting fisheries treaty between the United States and the sixteen Pacific Island States, that of the western and central Pacific region. Since its inception, the SPTT

has embodied the spirit of UNCLOS and has become a foreign policy success story for the United States in the central and western Pacific Ocean region.

The SPTT created a licensing and conservation regime over an area of some 10 million nautical miles including the high seas and the juridical zones of the coastal States in the western and central Pacific Ocean region. The SPTT recognized coastal State jurisdiction over the tuna resource within the respective juridical zones but acknowledged the obligation of the coastal States to cooperate with "States whose nationals fish in the region to ensure conservation of the resource and promote the objective of optimum utilization of the resource throughout the region." In essence, the treaty was constructed on the provisions of Article 61 and Article 64 of the UNCLOS. The treaty has been in effect since 1987, and was recently extended for an additional ten years commencing in 2003.

During the negotiations leading up to the signing of the 1995 U.N. Agreement for the Implementation of the Provisions of the UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the 1995 Agreement), the SPTT was referred to often as the model to be followed in establishing conservation and management criteria for a tuna based RFMO. The 1995 Agreement made it clear that highly migratory fish stocks can only be effectively conserved and managed as a biological unit throughout their entire range. In addition, the 1995 Agreement supported the language in Article 64 of the UNCLOS, that there is an obligation on the part of both the fishing States and the coastal States to ensure the optimum utilization of the resource throughout the region.

Subsequent to the 1995 Agreement being adopted, negotiations were commenced to establish a RFMO for the western and central Pacific Ocean. In 2000, this effort culminated in the signing of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention). Again, during the negotiations leading up to the signing of the Convention, the SPTT was used liberally as a model for the conservation and management provisions that should be included in the Convention. Of particular satisfaction to the U.S. tuna industry was the wording of Article 5 of the Convention dealing with the principles and measures for conservation and management. The pertinent language reads:

In order to conserve and manage highly migratory fish stocks in the Convention Area in their entirety, the members of the Commission shall, in giving effect to their duty to cooperate in accordance with the 1982 Convention, the Agreement and this Convention:

- a) Adopt measures to ensure long-term sustainability of highly migratory fish stocks in the Convention Area and promote the objective of their optimum utilization. (emphasis added)*
- *Conservation and Management of Tuna Stocks in the Western and Central Pacific*
The conservation and management of tuna stocks in the western and central Pacific (the Convention Area) is the primary responsibility of the WCPFC. The WCPFC, like other international RFMO, operates on the basis of consensus. The membership of the WCPFC consists of both coastal States and distant water fishing nations (DWFN). Obviously, one of the most difficult challenges facing a RFMO attempting to reach consensus on conservation and management measures for highly migratory tuna is ensure that the measures apply throughout the range of the resource (in the case of the WCPFC, the Convention Area).

There are two major obstacles within the WCPFC to arriving at a consensus on effective conservation and management measures. First there is the expected conflict between the coastal States and the DWFN over the extent that management measures are needed and what management measures are necessary. Second, there is the jurisdiction and sovereignty dispute between the two groups. For the most part, the DWFN believe that the WCPFC conservation and management measures should extend over the entire range of the resource, both within the EEZ of the coastal States and the high seas. The coastal States, on the other hand, believe that the WCPFC only has jurisdiction over the high seas and should allow the coastal States to impose conservation and management measures within their respective EEZ. To date, this matter has not been resolved.

Even though consensus building is difficult within the WCPFC, the United States, as a result of the SPTT, is in a unique position to facilitate effective conservation and management. The coastal States of the WCPFC are also all parties to the SPTT. Many of the conservation and management measures debated within the WCPFC have already been adopted in the SPTT. In addition, the United States is a DWFN and is therefore sensitive to the legitimate concerns of other DWFN. The United States has used its unique position to ensure that the conservation and manage-

ment deliberations within the WCPFC stay focused on the need for effective management of the highly migratory tuna throughout their biological range.

In order to have effective conservation and management of highly migratory tuna the RFMO must be able to rely on a statistically valid data base that covers the spectrum of the fishery. Although U.S. purse seine vessels fishing pursuant to the SPTT provide reliable data for the western and central Pacific region, the WCPFC has not been able to establish a data collection program from other tuna vessels operating in the region that is deemed reliable. Large areas of the Convention Area, such as the juridical zones around Indonesia and the Philippines have no reliable data collection program in place. Although efforts are underway to address the data needs of the WCPFC it is critically important that this be resolved as quickly as possible.

Effective conservation and management also requires the monitoring of fishing activities in the region. Again, the U.S. purse seine fleet in the region is bound by the SPTT to, carry observers onboard, employ VMS onboard, submit real-time reports on fishing activities, and document by-catch of other species that may be taken in association with fishing operations. To date, the WCPFC has not been able to reach consensus on establishing similar programs for the other DWFN fleets that operate in the Convention Area.

Lastly, effective conservation and management requires an enforcement program that ensures that the necessary management provisions and controls are strictly adhered to by each of the fishing vessels operating in the Convention Area. The SPTT provides for the enforcement of its conservation and management provisions and the U.S. purse seine fleet is subject to prosecution by the U.S. Government for any violation. As of yet, there are no agreed upon enforcement provisions in the WCPFC.

It is not my intention to take issue with the WCPFC for its failure to achieve a comprehensive conservation and management program in the western and central Pacific tuna fishery. I believe they have made much progress in this area but there is much to be done. It is important to note, however, that most of the conservation and management measures under discussion within the WCPFC are already contained in the SPTT. This demonstrates both the importance of the SPTT and the commitment of the U.S. purse seine fleet to effective tuna conservation and management.

- *Capacity*

To a large degree, capacity in the western and central Pacific tuna fishery has been controlled by the Pacific Island coastal States (PICS). The PICS, working collaboratively through their Palau Arrangement (a multilateral agreement between certain PICS) set a limit on the number of purse seine vessels that can be licensed in the region at 205 vessels. Licenses are divided into three categories.

The highest priority is given to the SPTT licenses since these licenses were created by a multi-lateral treaty and provide revenue to all of the PICS. The second priority is given to the FSM Arrangement (another multilateral agreement between the PICS) licenses that are issued to DWFN vessels that meet certain economic benefit criteria to the PICS. The FSM Arrangement license allows the licensee to fish in most of the juridical zones in the region, although not as extensively as permitted under the SPTT license.

Thirdly, are the bilateral licenses that are issued by individual PICS to DWFN vessels that pay an agreed upon license fee. These licenses are restricted to the EEZ of the issuing PIC and comprise most of the licenses issued to DWFN vessels in the region. Although the bilateral licenses probably provide greater licensing revenue to the issuing PICS than either the SPTT or FSM Arrangement licenses, they are given third priority status since they do not foster regional fisheries development.

The PICS, through the Forum Fisheries Agency, their regional fisheries authority, maintain a register of fishing vessels allowed to operate in the region. In calculating the 205 purse seine vessels allowed to operate in the region at any one time, the PICS grant the United States the first 40 licenses since this is the number of licenses set forth in the SPTT. In the event that the United States does not fully utilize its full complement of 40 licenses in any fishing year, the PICS add the unused portion of the licenses to what they have termed, "the special arrangements category. These are licenses that may be issued under the FSM Arrangement or on a bilateral basis to get to the 205 total for the year. Currently, the United States is using thirteen of the SPTT licenses and the PICS have allotted twenty-four special arrangement licenses.

In addition to limiting the number of purse seine vessels operating in the western and central Pacific region to 205, the PICS have recently announced their intention to implement a vessel day scheme (VDS). Under the VDS, each purse seine vessel operating in the region will be allocated a given number of days to fish within the

EEZ of the relevant PICS issuing the days. According to the PICS, the number of fishing days allotted to a vessel will correlate to the size of the vessel and the conservation concerns of the PICS.

In allocating fishing days under the VDS program the PICS have stated that first priority will be granted to the SPTT vessels, then the FSM Arrangement vessels and lastly the bilaterally licensed vessels. Obviously this puts a premium on holding a SPTT license since these vessels will be granted sufficient fishing days under the VDS program to operate yearly within the entire SPTT area. This was one of the motivating factors in the creation of SPTC and the decision by SPTC to rebuild the U.S. purse seine fleet at this time.

As stated, the capacity controls alluded to above are the product of the PICS in the western and central Pacific region. The WCPFC was not consulted on either the 205 license limit or the VDS. The WCPFC addressed capacity by passing a series of resolutions asking all of its members to "exercise reasonable restraint in respect of any expansion of fishing effort and capacity in the Convention Area." The WCPFC has attempted to limit the capacity of each national fishing fleet to the capacity that existed in 1999. The United States maintained a capacity of 38 purse seine vessels in 1999 and although it is entitled to 40 licenses under the SPTT, has agreed to limit its capacity to the 1999 level.

The WCPFC has to decide whether to extend the VDS program to the high seas, adopt an alternative measure on the high seas or convince the PICS to adopt an alternative measure within their EEZ. Common sense seems to dictate that capacity controls, including limits on fishing days, should cover the entire Convention Area, not just the EEZ or the high seas area. Also, it makes sense that enforcement of any VDS or other capacity control should be lodged within the WCPFC. Currently, the VDS program would only apply to the EEZ of the PICS and would not be reviewed or enforced by the WCPFC.

- *Yellowfin and Bigeye Tuna Conservation and Management*

Recently, concerns over the harvest of juvenile yellowfin and bigeye tuna have become an issue within the WCPFC. According to the South Pacific Commission (SPC), the scientific advisor to the WCPFC, there has been a gradual increase in the take of smaller, juvenile yellowfin and bigeye over the past ten years in the Convention area. The SPC concludes this take is due to an increase in fishing on "fish aggregating devices" (FAD). The SPC has recommended this be studied and conservation and management measures be adopted to ensure that neither of the fish stocks be allowed to decline below their maximum sustainable yield (MSY) level.

It is anticipated that the WCPFC members will take appropriate action at their annual meeting in December 07 to address the yellowfin and bigeye concerns. This will be a good test for the consensus making of the WCPFC as there are a number of proposals for addressing this concern. As someone vitally interested in the sustainability of all tuna resources, I support whatever steps are necessary to follow the recommendations of the SPC.

- *Conclusion*

Having spent most of my adult life associated with the fishing industry, I firmly believe that we must do everything possible to ensure the sustainability of our valuable fishery resources. I have attached to this testimony the sustainability policy that we developed within U.S. Tuna Foundation when I was the Executive Director. This policy has been incorporated into a sustainable program that the U.S. canned tuna processors have entered into with the World Wildlife Fund and Wal-Mart.

In order to ensure the sustainability of our tuna resource we have to support the RFMO programs. We cannot effectively conserve or manage highly migratory tuna on a unilateral basis. Within the RFMO, we have to support data collection that is statistically based and reliable. Based on the scientific review of the data, the RFMO must adopt recommended conservation and management measures that cover the biological range of the highly migratory tuna. The RFMO must have the authority to monitor and enforce the conservation and management measures it adopts. Finally, the RFMO must eliminate IUU fishing in its region and, giving full recognition to the importance of existing regional licensing and other arrangements, control fishing capacity.

We support our government's effort to address the sustainability of tuna stocks through the relevant RFMO programs. We are convinced that the SPTT gives our government a unique opportunity to facilitate the establishment of an effective conservation and management program in the western and central Pacific region. The WCPFC has an opportunity to incorporate the sustainability spirit contained in the UNCLOS, the SPTT and the 1995 Agreement. Both government and private indus-

try must ensure this spirit is translated into effective conservation and management of our highly migratory tuna.

USTF POLICY REGARDING SUSTAINABILITY OF TUNA FISHERIES

USTF supports international efforts to conserve and manage highly migratory fish stocks such as tuna. USTF believes this can best be achieved through an international commitment to take measures to prevent or eliminate IUU fishing, overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fishery resources.

USTF also supports international efforts that are technologically and economically practicable to mitigate by-catch. In addition, USTF supports, when necessary, the adoption of conservation and management measures for species belonging to the same marine ecosystem or associated with or dependent upon the target tuna stocks, with a view to maintaining or restoring such species above levels at which their reproduction may become seriously threatened.

Mr. FALEOMAVEGA. Thank you very much.

I just want to share with you the American psychic is not there, and I just wanted to address this along with both of your testimony, to the extent that I have been a member of the fishery sector for some 19 years. For all those years, I have been trying to advocate why isn't there enough appropriations given to the whole advent of the idea of promoting fisheries development, aquaculture. If we are truly a coastal state, which we are, but somehow in terms of the division, and again, I have nothing against the fact that—for example, as a—I don't know to—still learning how to speak English here—the basis of how you develop an agriculture, A-G-R-I-C-U-L-T-U-R-E. We appropriate over \$1 billion a year to do, what do you call—the land grant through educational, for educational purposes in our American colleges and universities.

Do you know how much we appropriate for fisheries-related programs in a similar fashion? For example, like a sea grant. Not even \$60 million, and we are talking about the lives of some 150 million Americans who live in the coastal areas of the United States, and we always want to know the health and the conditions of our marine resources. But when it comes to congressional interest in this area, I have the most difficult time in getting them to understand purse seine.

I realize that we are a big country but to develop a fisheries program, as I have said earlier about even the aquaculture program which I feel very strongly, to complement the considerable demand of the American public, and we have to import over \$13 billion worth of seafood products from other foreign countries, something is wrong here, and maybe, Mr. Connelly, you can address that.

“From water to table,” I could not agree with you more, but taken in the context of what you are saying, I didn't catch what exactly the numbers—was it 2 billion meals a year? What is the dollar value of 2 billion meals a year that the American consumer relates to their eating shrimp, or any seafood-related products that not only our country provides, but that we have to import from other countries?

Mr. CONNELLY. The 2 billion were strictly canned tuna, so there is 2 billion canned tuna meals each year in the U.S., and then if you add on—canned tuna is the second most consumed seafood, and then if you add on shrimp and salmon and Tilapia and catfish and pollock, et cetera, then it goes up very significantly after.

You are right. The appropriations for NOAA fisheries and related sea grant programs is woeful compared to its counterparts in the agriculture area, and we do feel that there is a tide shifting as far as seafood is concerned. There is so many positive stories about the importance of seafood to a healthy diet, and as more and more Americans continue to search for that fountain of youth, we are reminded that fish has been swimming in that fountain for years, and if you want to live a long time, eat your fish. That means that more and more fish is going to be required.

We do a very good job of managing the fisheries in the U.S. Magnuson-Stevens is a great success story in most parts of our country, and NFI believes there needs to be a growing, functioning, economically viable aquaculture component to our industry in order to provide more jobs here rather than elsewhere.

We are going to import seafood into this country if we can't provide those healthy diets or those healthy meals from U.S. sources, and so our argument is we would rather keep the jobs here, the food security questions here rather than exporting those jobs overseas. But the important thing is Americans are going to eat seafood because it is increasingly important to their health, and so it is either do it here or do it there.

Mr. FALCOMA. Thank you.

Mr. Burney, you related earlier about the accomplishments of the South Pacific Treaty, and in fact a lot of the provisions of the Convention were based on consultations and some of the successes that have come out of the South Pacific Tuna Treaty that you were very much instrumental and working negotiations with the Island nations, and also with the State Department.

Do you see a similar development? Here is my concern and I am not raising this issue because I happen to have two of the largest tuna canning facility in the United States or second in the world, for that matter, but I am looking at it on a national scope of things in terms of what can we really do as a country to see that the tuna industry continues to be a viable industry and not end up taken because of—well, obviously there is tremendous competition from other countries, but what do you see as probably the two or three greatest dangers where our tuna industry is right now, both the processing as well as the catching the fish?

Mr. BURNEY. Well, I think processing, you have to lock into marketing because you can't separate them. I mean, you are processing and you are marketing your product. I think from that perspective we have the largest single market for canned tuna in the world in the United States, and regardless of claims to the contrary, I am convinced that tuna is a very, very healthy product.

Now, I spent a lot of time with Dr. Lewis Sullivan, who was the former secretary of health and human services, and he was outraged by some of the claims that are out there about fish, and especially tied to mercury, and I think that what we have to recognize in this country, what the tuna industry has to recognize in this country is that we have a very, very healthy product, and we also have an affordable product, and I think it is important that that message get out there.

I mean, who are the real consumers of canned tuna? They are all the way across the economic scale, but especially important to

fixed-income and lower-income families, especially important to people that fall into the same demographics as obesity. They should be eating more fish, and canned tuna is affordable, and it should be eaten, and I think it is getting the message out.

We don't promote seafood here like they do in other countries. If you go to Korea, canned tuna is considered brain food. You go to Japan, all fish is considered to be healthy and you should be eating it all the time.

Here, it is kind of it is a nice fashionable thing to eat. It is on every menu, but for every fish item on a menu, and that is changing a little bit, there are a lot of other items on that menu that aren't nearly as healthy for you, and I think that is a message we have to get out.

For fishermen and keep the supply alive, I agree with you 100 percent. We can't rely on other countries to supply our fish products. I think we have to continue to support things like the South Pacific Tuna Treaty, not only does it give us a marker when we sit down in these international conferences, it ensure that we are going to have a fleet that is going to be productive and going to be competitive with other fleets to catch the fish, and I firmly believe that when you look at having healthy seafood you want to control vertically the catch of that food, all the way up through the system until it gets into the hands of the consumer. You don't want it coming from foreign places where you don't have the same controls that you have here in the United States.

So in my mind, we have to support the maintenance of these strong fishing fleet in this country, and I only look at this through the eyes of somebody that has dealt with tuna for years and years, but I also think we have to promote the benefits of seafood, and I don't think we do a good job of that.

Mr. FALCOMA. Well, I am sure my good friend from Illinois will make sure that every table or consumer will have a nice sirloin steak, and that seems to be the psychic here in America. A good sirloin steak is the healthiest form of food that we should be consuming. And I don't want to say anything to suggest that we shouldn't consume red meat in that respect because this is one of the reasons why eating fish is healthier prospects as far as for human health needs.

What recommendations that both of you might have to consider by way of any weaknesses not only of the Convention but any other fishing treaty that we are party to that maybe we in the Congress could address seriously? If you feel that maybe there are some areas legislatively that we could do to correct the inequities or any inefficiencies that you see right now both in Federal law as well as our policy toward not only tuna but in the fisheries program?

Mr. BURNEY. I think on the international side, I think what you are doing right here. I think oversight is very important. It is hard to legislate when it comes to the international side because we have still got to go back to that table and reach consensus. I think it is important that we have a continuing oversight.

We have meetings and then we have a long period before the next meeting, and it seems to me the more that people have to come up before the Congress and explain, well, what happened, how much progress did we make, where are we now on all of these

issues, the more incentive there is to get things done, and I think that is critically important.

I was looking at the jurisdiction of the committee, but obviously China, Taiwan, Japan, it would be very interesting to see their attitude about all of these things. I mean, we don't really get to sit them down and ask them questions. They basically come to the meeting with a script and they walk out, and it is all over with, and it is kind of like, well, gee, I wonder why they are taking that position, so anything that could be done there.

Your travel to Indonesia, if we could get the data out of Indonesia and the Philippines, I can't tell you how important that is, and I think you do have a role in this committee chairmanship where you could be invaluable in pushing those. That is not just in the interest of the United States, that is a global interest, to get this database established.

Mr. FALEOMAVAEGA. I was going to go with interest, it is almost similar to climate change.

Mr. BURNEY. Yes.

Mr. FALEOMAVAEGA. That seems to be a global issue and I kind of like to think that the health of the oceans, whether it be in the Pacific, Atlantic Ocean, the Arctics, it does have a direct bearing, and it comes down to seafood and marine resources that are important to provide for some 6 billion people who live on this planet.

You mentioned earlier, Mr. Burney, that you were directly involved, and I think this is something too that we need to educate the American public about this issue of mercury in tuna, and I would really appreciate if you could elaborate a little further.

What was involved and what were some of the contentions that were mentioned about the issue of tuna and how this is tied into mercury as it was an issue that you had mentioned that former Secretary of Commerce, I believe, Mr. Sullivan, who worked closely with you on this? Can you share that for the record?

Mr. BURNEY. Mercury has been in fish for hundreds of years. We have traced it all the way back to specimens that go back hundreds of years. The levels of mercury of fish for the most part are very safe. The World Health Organization has looked at it, everybody has looked at it. We had a number of groups in this country that brought mercury as a major issue, and it became an issue that was based on something called a reference dose. A reference dose is nothing more than what it says it is. It is a reference dose. When you reach a certain level of mercury in your system, it shows up and you don't want it to go higher, up to a level that is unsafe.

A reference dose is set way below an unsafe level, and I am talking in more laymen's terms, this is very technical and I don't want to get into that, but I think the most important thing to say about mercury in tuna is the State of California sued the tuna industry and wanted us to put warnings on our cans that eating the tuna was unsafe, and we refused, and we went to a court, and I love to point this out, but if you don't live in California it might not have the same meaning to you, the court was in San Francisco. It is a very difficult court for an industry to go into.

But we went into that court. Dr. Sullivan was one of those that testified on our behalf, with a number of experts around the world that certain have studied mercury in the marine system and looked

at the health aspects of mercury in fish, and we won the decision in that court on all counts, and it is the first time a court has ever looked at this issue. I mean, all we have had is a lot of hype going on about this issue now for about 5 years, and people look at research that other people have done that isn't complete, and I think, as you know, a lot of that research involved the Farrell Islands, and research that was done on whale meat and the fact that it is laced with mercury. It is laced with other pollutants, and they found an adverse effect, a very subtle adverse effect on kids as a result of that. But the levels didn't even come close to fish, and especially the fish in this country.

So we kept trying to point that out in the press but it was a big issue, and the press kept playing that up. Since the lawsuit ended in California, that has died down considerably. I don't think it has ended and I think it will come back up, but you have an issue like that, I can't tell you how devastating that is to a healthy food.

We are not like tobacco. I mean, it is not like we are sitting there telling people to smoke and we know there is something wrong with our product. Fish is healthy. Tuna is a very healthy fish product, and I feel very vindicated personally that the court in San Francisco found on our behalf, not just found on our behalf, but took the time to go through everyone of the issues and find on our behalf, and I think that is very compelling.

Mr. FALCOMA. Mr. Connelly.

Mr. CONNELLY. Related to that, and after the Proposition 65 decision in California, which it is difficult if you don't deal with Proposition 65 to understand how precedent setting and how ground-breaking this decision is, as Dave says, particularly out of a San Francisco court, and it wasn't a close victory either. It was an overwhelming decision by the judge and the bench in favor of the industries.

Subsequent to that though, in the last 6 months there have been three ground-breaking studies that really have addressed this issue of mercury; one from Harvard Medical School that was published in the *Journal of American Medical Association*; the other from the National Academy of Science which looked at the health benefits and risks of seafood, including mercury; and then the largest study by far was conducted by a public health officer at the National Institute of Health and it was published in the *LANCET*, which is the premier medical journal in the U.K.

It studied 13,000 children whose mother ate fish and didn't eat fish, or different levels of fish in the U.K., and studied them over the course of 10-15 years to understand what were the impacts of fish consumption during pregnancy. The results are absolutely startling, shocking. Children whose mothers did not eat enough fish had lower IQs, had more learning disabilities, incredibly they also had more sociological problems, meaning they were ending up in jail more often.

I mean, absolutely startling information. And that is information that needs to get out to the public because too often, if I ask my wife what her OB or GYN is telling her to do if she is pregnant, it is limit your fish intake. That is absolutely the wrong thing to be encouraging women to do when this ground-breaking study of 13,000 children are out there. It is definitely worth following up.

Mr. FALEOMAVAEGA. Well, there is even a recommendation in a report, I think, for pregnant women not to eat or consume raw fish, and you tell that to the Japanese women, they will go crazy, but I am just curious if there was ever a study, Mr. Connelly, on children who ate red meat for those 10- or 15-year period that their brains may have gotten a little better or less or worse than those who have eaten fish for that same period of time.

Mr. CONNELLY. I am not going to get between you and your ranking member.

Mr. BURNEY. I think that Illinois beef turns out to be quite high on the IQ equivalence.

Mr. FALEOMAVAEGA. I see. I might also say that Kobe beef that they produce in Japan.

Mr. CONNELLY. I will leave that to you and Mr. Manzullo.

However, the National Academy of Science study that I did reference did look at the benefits of increasing fish consumption and a stable fish diet, and if folks reduced their fish consumption, and this included canned tuna, and the results were if you increase your intake of fish, you are going to slow the onset of Alzheimer's, you are going to reduce your chances of cardiovascular disease, and a number of other neurological and developmental issues are—they are not solved by seafood, but they go a heck of a long way to providing a healthy diet.

Mr. FALEOMAVAEGA. Well, what is the national fishery industry doing about publicizing and informing the American public of the importance of eating seafood products, especially tuna or fish?

Mr. CONNELLY. Individual companies are making sure that as more and more Americans look to health issues as a driver for their purchasing decisions, fish is uniquely positioned because we do have a good story to tell. As Mr. Burney said, fish is a uniquely good for you meal, and so our companies on an individual basis are out with their consumers, their customers, talking about the benefits of this, and that is why we have seen fish consumption go up over the last couple of years, and an 11 percent increase over the last 5 years or so, and we see that as a very positive thing.

But we do think that the government has a role in this. NOAA fisheries held an excellent conference about 2 years ago on the health benefits of seafood, and it was an international conference run by scientists for scientists where they brought together people from around the world to talk about this. And so we are trying to make sure that the public understands that in a way that my wife or Dave's wife understands and can appreciate.

Mr. FALEOMAVAEGA. Well, they have been predictions made that countries like China, Japan, Korea, Taiwan, Thailand, especially Asian countries, are probably going to dominate the whole seafood industries, especially in fisheries, in the world, and I was wondering is that good or bad for the United States?

Mr. BURNEY. I don't think it is good for the United States. I think if we listen to Ambassador Balton's testimony, I think he made it clear how difficult it is for the United States to go to these various regional fishery management organizations and veering other people into a consensus on meaningful management and conservation.

If we were looking at this strictly from where should we get all of our fish, should it be the low-cost producer? Sometimes lower cost means lesser safety. It means less healthy product. There has to be some degree of oversight in all fisheries. We have to worry about our marine ecosystem and our marine resources. It is incredibly important that we do that. That is why I think the United States has to maintain a very strong position in these fisheries.

I also believe that, and it has been proven in our own industry, that you never want to allow yourself to be totally dependent on especially something like food, and then we have been sitting here talking for the last 10 minutes about a very healthy food, and be dependent on other countries.

Does China, Taiwan, Japan, Korea, do they have the capacity to dominate? Absolutely. Absolutely. They don't have the same attitude that we have toward limiting. We sit here and worry, and I mean I have had these meetings where we worry about the fact that we have 40 licenses, should we use them all. Whereas other countries have 30 and they have 70 boat fishing. It is an amazing situation, how our philosophies are different.

So I believe that it is incredibly valuable for the United States to maintain a very strong position in these fisheries, and also supply their own fishery food sources. I think that is extremely important.

Mr. FALCOMA. As a matter of perspective, many of our fellow Americans don't realize that when China first became independent in 1949, there were 400 million people living in China in 1949. Now with a population of 1.3 billion people, I just returned from China a couple of months ago, 800 million Chinese live below the poverty level.

Mr. BURNEY. Yes.

Mr. FALCOMA. Mostly in the districts in the rural areas. So when you talk about a consuming demand for a country, I don't care if it is a communist, capitalist, whatever you want to call them, the fact is you have got 1.3 billion mouths to feed on a daily basis. So is it any wonder that when China has to produce things, it is not just 46 ships, it has got to be in the thousands because of the consuming demand, and the fact, as you well know, I don't know if you are aware of the fact that China now is the second largest trading partner with the United States. Last year alone they exported over \$343 billion worth of goods to the United States, larger than even Japan.

So I say this because there are recent media reports about the contamination found, I believe it was seafood products coming from China, there were some contaminants, toxins that were contained in there, and now there is a reciprocation. Now they are saying that, well, we are going to limit your, I think it was meat or whatever products coming from the United States as a way to get back to the United States, and a serious question was it really that bad in terms of the contaminants.

I suspect that any food items from wherever, there is always going to be problems of—I mean, is it really 100 percent foolproof, safe of any given product even here in the United States? I don't think so.

Mr. CONNELLY. Two comments on that. The latter part of your comment, Mr. Chairman, as the FDA moves more toward a risk-based approach toward the allocation of their resources, that is something that the seafood industry through the National Fisheries Institute strongly supports. We think there are companies in China that do things well, and we think there are companies in China that have had severe problems. But rather than designating a whole country as having a problem, we should seriously target an application, serious target those countries that have had problems. That is a risk-based approach to a problem.

We could have the most secure food system by just not having food. That is the ultimate security. Obviously that is nonsensical.

From an economic standpoint something that is interesting is our companies are projecting that right now China is a massive exporter of seafood to the United States, but in the next 20 years it is going to be a net importer because as those 800 million Chinese that you talk about living below the poverty line move above the poverty line they become middle class consumers, and they tend to eat more fish at that point, and so we are actually going to be in an economic competition for fish with China within 20 years. No longer is it going to be an import/export issue, we are actually going to be competing with them for the limited amount of fish in the world, and that is another interesting topic for the subcommittee to grapple with.

Mr. FALCOMA. Mr. Burney.

Mr. BURNEY. No, I agree with that. I think it is a mistake sometimes to just blanket criticism to a country when there are those that are in absolute compliance, and what John just said is my greatest concern. Where we are going to be in real competition with China in the future is on the oceans. It is catching the fish. It is getting the resource, and I think we are very close in the tuna business to being there right now, and that is something that is of great concern to me. It is of concern to me right now because they have an export mentality, but that is going to change, as you said, when they change over and they need that product inside their country.

But China has a history—I am kind of a history buff, but if you go back to the Mao tse-tung days in China, you will see that while people were starving in China, they were exporting food. They will export food up to the bitter end, and that is a concern to me. That is just a historical fact that they have done that over centuries, and what is of great concern to me, however, is more the conservation and management of the resource. It all starts for me there.

If we don't have the fish, you can forget about the processors in American Samoa and the consumer can forget about having fish, so we have to protect the fish.

Mr. FALCOMA. Gentlemen, with the Convention about to be implemented, and our participation guaranteed, and with some of the concerns noted in terms of your understanding of where we are now as it was stated earlier by Ambassador Balton, I do want to say that I would like to continue the dialogue and the communications open with both of you gentleman and the organizations that you both represent that are vitally important to our tuna industry and to our fisheries industry for that matter, and certainly what

little that I could do serving as chairman of this subcommittee, I would welcome your recommendations or any suggestions that you might offer by way of even having to propose legislation.

As you know, we have now considered this proposed bill to promote and to do aquaculture development in the United States, and for the first time in how many years that—especially I have to credit this administration, the Department of Commerce, or NOAA for that matter, in support of this idea that we need to promote, to do greater development of the aquaculture industry in our own country.

So with that, I want to thank you both for being here, traveling such long distances, and if you have any additional miscellaneous items or things that you would like to include for the record, I will leave the record open for 10 days, and again I want to thank both of you for being here.

The hearing is adjourned.

[Whereupon, at 3:44 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

STATEMENT OF MR. SEAN MARTIN, CHAIR, WESTERN PACIFIC REGIONAL FISHERY
MANAGEMENT COUNCIL

Thank you, Chairman Faleomavaega and Members of the Subcommittee on Asia, Pacific, and the Global Environment, for inviting the Western Pacific Regional Fishery Management Council (Council) to provide testimony on the conservation and management of highly migrating fish stocks in the Western and Central Pacific Ocean, and other international fisheries agreements of U.S. interest in Asia and the Pacific. It is apparent that fisheries in the Pacific are increasingly becoming regulated and managed under international fisheries agreements. This is evident from the division of the Pacific Ocean into areas of competence for international conventions and treaties such as the South Pacific Tuna Treaty (SPTT), Western and Central Pacific Fisheries Commission (WCPFC), Inter American Tropical Tuna Commission, South Pacific Regional Fisheries Management Organization, and an emerging convention for North Pacific seamounts. There are two maps of the Western and Central Pacific region located at the end of this document for your reference. For sake of brevity, our testimony focuses on the following points regarding the WCPFC and the SPTT.

- The U.S. should ensure appropriate fisheries development in American Samoa, Guam, and Northern Mariana Islands.
- U.S. longline fisheries under the Council's jurisdiction serve as model fisheries and are positive examples to the countries and territories that are members of the WCPFC.
- The SPTT indirectly supports the continued operation of the two tuna canneries in American Samoa.
- The tuna canneries in American Samoa are vitally important to the economy of American Samoa and are the lifeline to the domestic American Samoa longline fleet as well as the longline fleets of neighboring countries around American Samoa.
- Without the indirect positive effect of the SPTT on the canneries in American Samoa, the American Samoa longline fleet and the longline fleets of neighboring countries would likely not exist.
- The U.S. should take a long term perspective of the SPTT and how it relates to and supports other U.S. fishing interests in the South Pacific, and how the SPTT might be modified in the future to ensure the long term continuity of other U.S. pelagic fisheries such as longlining.

Last month, the U.S. delivered its instrument of ratification to the Western and Central Pacific Fisheries Convention (Convention), thereby becoming a contracting party to the Convention and will become a full member of the WCPFC on July 27, 2007. The document included a declaration authorizing the participation of American Samoa, Guam and the Northern Mariana Islands as participating territories under Article 43 of the Convention. We are greatly pleased that the U.S. has ratified the Convention and that the U.S. Pacific Island territories and commonwealth have full participation in the WCPFC. Given the strategic location of Guam and the Northern Mariana Islands in Western Pacific, both have great potential to provide needed infrastructure to the WCPFC as well as be international transportation hubs for fishing fleets air-freighting fish to the U.S. and Asia. Moreover, Guam and the Northern Mariana Islands are working to establish small-scale longline fleets and the U.S. should support fisheries development efforts in these areas.

The SPTT has multiple direct and indirect benefits to the region. It is a major U.S. foreign policy instrument in the South Pacific and is the principal conduit of aid to Pacific Island nations. Moreover, the benefits from the SPTT have not only been economic, but also scientific, due to the data generated by the operation of the U.S. fleet that has been able to fish across the entire Western and Central Pacific Ocean. In addition, the SPTT underpins the continuity of the Pago Pago canneries on which the fate of the American Samoa longline fishery is currently dependent.

The American Samoa tuna canneries are vital to the territory's economy. In 2004, according to the U.S. Department of Labor, the canneries directly employed 4,738 workers (38.6 percent of all surveyed workers in the territory), paid an average hourly wage rate of \$3.60, and accounted for 24.5 percent of the territory's total wage bill for all workers. Although the U.S. purse seine vessels under the SPTT fish in the "tuna belt" (10 degrees North and South of Equator) of the Western Pacific Ocean, the U.S. purse seine vessels are home ported primarily in American Samoa and offload at the tuna canneries in Pago Pago, assuring the canneries a steady and secure supply of their principal product, canned skipjack tuna.

However, the influence of the canneries goes well beyond purely domestic impacts. Ready access to the canneries by countries surrounding American Samoa (Cook Islands, Niue, Tonga, Samoa) has supported the growth of domestic longline fishing in these countries. Indeed the Cook Islands and American Samoa longline fisheries have become closely interlinked through access of U.S. vessels to the Cook Islands EEZ, to the point where representatives of both governments hold regular colloquiums on fishery management issues.

Further, as revealed at a recent Council workshop on albacore longline fisheries, most countries across the entire South Pacific, including those with canneries such as Australia, New Zealand, Papua New Guinea, Solomon Islands and Fiji, ship albacore to Pago Pago for canning. The development of the albacore longline fisheries in the central South Pacific have also provided benefits to those Pacific Island nations that have the majority of the skipjack resource but do not receive the lion's share of the SPTT funds. Thus, the SPTT is a key component for the U.S. in the Pacific Islands through this mosaic of inter-connections to other fisheries, and for this reason, it does not simply represent U.S. purse seine access to skipjack in the equatorial Pacific. It is not too fanciful, therefore, to suggest that the American Samoa canneries are another instrument of U.S. foreign policy in the Pacific and as important in their own right as the SPTT from which they derive support.

U.S. longline vessels comprise the largest domestic industrial fishing fleet in the Western Pacific Region. The Hawaii and American Samoa fisheries are model fisheries in terms of ecologically sustainable longline fishing, employing high observer coverage, vessel monitoring systems, limited entry programs, spatial management to minimize fishery interactions, and innovative turtle and seabird bycatch reduction methods. Indeed, the Hawaii fishery was recently evaluated and found to be overall 93% compliant with the United Nations Food and Agriculture Organization's Code of Conduct for Responsible Fisheries. Responsible, well managed fisheries can also be profitable. This is evident from Honolulu being ranked 4th (\$ 54,600,000) nationally in terms of landed fish value for 2006.

Our longline fisheries, therefore, serve as the model for other nations within the WCPFC, to which our U.S. Pacific Islands territories and commonwealth are full participants. Countries neighboring American Samoa, such as the Cook Islands, Samoa and Niue, have taken a serious interest in U.S. longline fisheries management and seek to emulate our successes. Moreover, longline fishing seems poised to begin developing in the Guam and the Northern Mariana Islands, where if successful, will provide an additional role model for neighboring Micronesian countries, such as the Federated States of Micronesia and Palau.

For these reasons, the Council thinks the U.S. needs to take a long-term strategic perspective to the SPTT. The U.S. should consider how the SPTT can have a broader positive impact on other U.S. domestic fisheries and the region as a whole. For example, in the past three years, the American Samoa longline fishery has experienced low albacore catch rates with the attrition of the longline fleet in Pago Pago. With an EEZ of nearly 118,000 square miles and up to 60 longline vessels permitted to fish within that area, American Samoa has had one of the highest hook densities globally. For this reason, several American Samoa-based longline vessels have pursued individual fishing agreements with neighboring Cook Islands.

However, in order to fish within the EEZ of the Cook Islands, these vessels have had to re-flag to the Cook Islands, thereby giving up their U.S. flag and U.S. fishing endorsement and inactivate their American Samoa longline limited entry permit. This is problematic for vessel owners who wish to maintain their U.S. flag status and continue their American Samoa longline limited access permit as well as have the flexibility to fish in the Cook Islands EEZ. Not only is this problematic, but it

contravenes U.S. Coast Guard regulations and international law, which state that no vessel shall fly the flag of two countries simultaneously. A possible solution to this issue would be to include U.S. vessels under the SPTT, thereby allowing U.S. longline vessels access to the EEZs of nations under the SPTT. This approach was supported by the Council and by American Samoa limited entry permit holders at a workshop we held in American Samoa in April 2007.

The Council respectfully requests that your review of the SPTT take a broad perspective as outlined in this testimony. The Council cannot stress enough the importance of the mutual dependence for the continuity of U.S. purse seine and longline fisheries between the SPTT and the canning industry in American Samoa. The Council also believes that inclusion of U.S. longline vessels under the SPTT would provide a way to resolve current problems being experienced by this fishing sector when fishing in other EEZs. Moreover, should the canneries downsize or even leave the territory, the survival of the US longline fleet in the South Pacific may depend on access to other EEZs under a future version of the SPTT.

One possible alternative to cannery albacore may be a longline fishery targeting swordfish found south of American Samoa and sold in markets in the U.S. and elsewhere. Countries such as the Cook Islands and French Polynesia are already supplying these markets, and longline fleets from Spain are transshipping to these markets through French Polynesia. Developing such a fishery in American Samoa, however, would require the development of new value-added fishery infrastructure in Pago Pago, which should be actively supported by the U.S. Fishing trials for swordfish by American Samoa longline vessels have been positive, and some catches have yielded large swordfish of nearly 600 pounds per fish. The Council has recently contracted a firm to consider fishery development issues in American Samoa other than longline fishing for the canneries. We would be pleased to provide the results of the study to the Subcommittee when completed later this year.

Finally, we hope that your committee may also consider other alternatives, such as a separate longline treaty between the U.S. and the South Pacific countries surrounding American Samoa, as well as ways in which the U.S. can continue to provide incentives for the canneries to remain in the territory or other initiatives to ensure that Pago Pago maintains its position as one of the preeminent fisheries centers in the region.

Again, thank you for the opportunity to provide information on the Council's perspectives on issues regarding the conservation and management of highly migratory fish stocks in the Western and Central Pacific Ocean. We would be pleased to provide any additional clarification or further information to the Subcommittee.

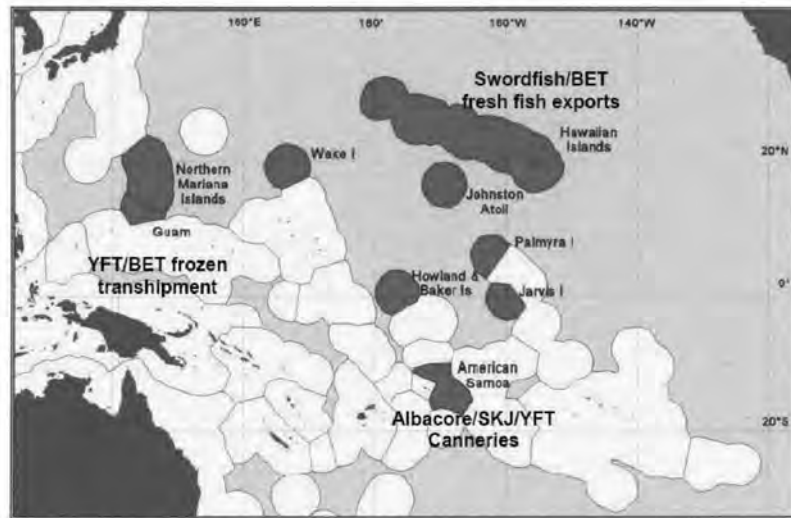


Figure 1: Exclusive economic zones (EEZs) of the Western and Central Pacific

Note: Western Pacific Regional Fishery Management Council jurisdiction shown in red

YFT = yellowfin tuna; BET = bigeye tuna; SKJ = skipjack tuna

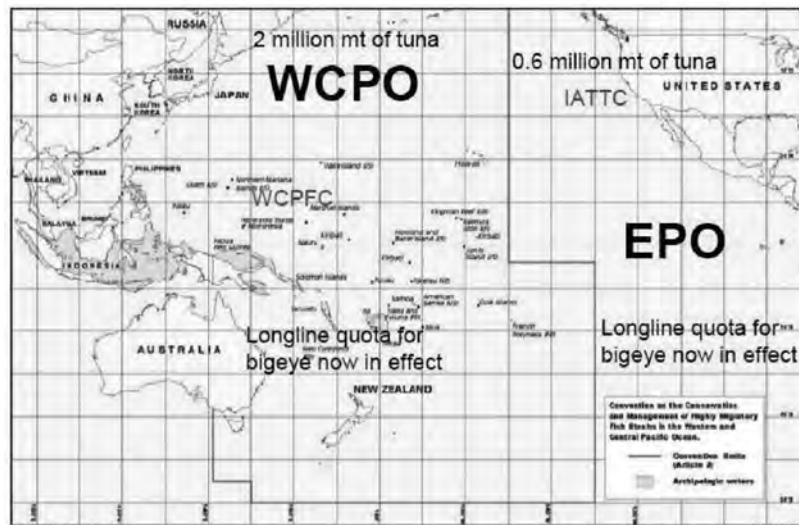


Figure 2: International management of highly migratory fish stocks in the Pacific Ocean